Page 1 Page 2 IN THE UNITED STATES DISTRICT COURT APPEARANCES: FOR THE NORTHERN DISTRICT OF OHIO WAGSTAFF & CARTMELL LLP EASTERN DIVISION 3 BY: THOMAS CARTMELL, ESQUIRE KATHLEEN E HUDNALL, ESQUIRE 4 4740 Grand Avenue, Suite 300 Kansas City, Missouri 64112 IN RE: NATIONAL :HON. DAN A. POLSTER 5 (816) 701-1100 PRESCRIPTION OPIATE tcartmell@wcllp com :MDL NO. 2804 LITIGATION 6 khudnall@wcllp com Representing the Plaintiffs APPLIES TO ALL CASES :NO. 8 :1:17-MD-2804 BRANSTETTER, STRANCH & JENNINGS, PLLC - HIGHLY CONFIDENTIAL -BY: BENJAMIN A GASTEL, ESQUIRE 9 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW The Freedom Center 10 223 Rosa L Parks Avenue Suite 200 December 14, 2018 11 Nashville, Tennessee 37203 (615) 254-8801 Videotaped sworn deposition of 12 beng@bsjfirm com Representing the Tennessee Plaintiffs COLLEEN McGINN, taken pursuant to 13 notice, was held at GOLKOW LITIGATION 14 SERVICES, One Liberty Place, 1650 Market SKIKOS, CRAWFORD, SKIKOS & JOSEPH LLP BY: MARK G CRAWFORD, ESQUIRE Street, Philadelphia, Pennsylvania, 15 UZAIR SALEEM, ESQUIRE beginning at 9:39 a.m., on the above 16 One Sansome Street, Suite 2830 date, before Margaret M. Reihl, a San Francisco, California 94104 Registered Professional Reporter, (425) 546-7300 17 mcrawford@skikos com Certified Shorthand Reporter, Certified 18 usaleem@skikos com Realtime Reporter, and Notary Public. Representing the MDL Plaintiffs 19 GOLKOW LITIGATION SERVICES 20 877.370.3377 ph | 917.591.5672 fax 21 22 deps@golkow.com 23 Page 3 Page 4 TELEPHONIC APPEARANCES: APPEARANCES: (cont'd) 2 3 ARNOLD & PORTER KAYE SCHOLER, LLP 3 MORGAN LEWIS & BOCKIUS LLP BY: TIFFANY IKEDA, ESQUIRE 777 South Figueroa Street, 44th Floor BY: NATHAN J. ANDRISANI, ESQUIRE 4 ADAM HAMMOUD, ESQUIRE Los Angeles, California 90017-5844 1701 Market Street (213) 243-4160 5 Philadelphia, Pennsylvania 19103-2921 tiffany ikeda@arnoldporter com (215) 963-5362 6 Representing the Defendants, Endo Health Solutions, Inc, 6 nandrisani@morganlewis.com Endo Pharmaceuticals, Inc. adam.hammoud@morganlewis.com Par Pharmaceutical, Inc, 7 Representing the Defendant Teva 8 Par Pharmaceutical Companies, Inc 8 (FKA Par Pharmaceutical Holdings, Inc.) REED SMITH LLP 9 BY: ANNE E. ROLLINS, ESQUIRE 9 10 Three Logan Square BY: LOUIS P GABEL, ESQUIRE 1.0 1717 Arch Street 11 150 West Jefferson Avenue Philadelphia, Pennsylvania 19103 Suite 2100 12 Detroit, Michigan 48226 (215) 851-8262 (313) 733-3939 arollins@reedsmith.com 13 lpgabel@jonesday.com 12 Representing the Defendant, Representing the Defendant, Walmart AmerisourceBergen Drug Corp. 14 13 COVINGTON & BURLING LLP BY: GABRIEL FULMER, ESQUIRE 15 14 PIETRAGALLO GORDON ALFANO BOSICK & RASPANTI LLP 16 One CityCenter 850 Tenth Street, NW 15 BY: LESLIE A. MARIOTTI, ESQUIRE 17 Washington, DC 20001-4956 1818 Market Street (202) 662-5769 16 **Suite 3402** gfulmer@cov com 18 Philadelphia, Pennsylvania 19103 Representing the Defendant, 17 (215) 988-1451 19 McKesson Corporation lam@pietragallo.com 20 18 Cardinal Health ROPES & GRAY LLP BY: ELIZABETH TOLON, LAW CLERK 21 19 1211 Avenue of the Americas 20 22 New York, New York 10036-8704 21 ALSO PRESENT: Bill Geigert, VIDEOGRAPHER (212) 596-9374 22 23 elizabeth tolon@ropesgray com 23 Representing the Defendant, 2.4 24 Mallinckrodt

	Page 5	Page 6
	_	
1	TELEPHONIC APPEARANCES (CONT'D)	1 INDEX 2 WITNESS PAGE
2	MODGANI 6 MODGANI	3 COLLEEN McGINN
_	MORGAN & MORGAN	By Mr. Cartmell 11 By Mr. Crawford 372
3	BY: JAMES D. YOUNG, ESQUIRE	By Mr. Gastel 437
	76 South Laura Street, Suite 1100	5
4	Jacksonville, Florida 32202	6 E X H I B I T S 7 TEVA-MCGINN DESCRIPTION PAGE
	(904) 398-2722	8 McGinn-1 Resume of Colleen McGinn 18
5	Representing Plaintiffs	9 McGinn-2 Organization charts
6		TEVA_MDL_A_00455258 24
7		McGinn-3 2018 Mid-Year Review for
8		11 Colleen McGinn
9		TEVA_MDL_A_10226902 48
10		McGinn-4 E-mail dated 5/22/2018
11		13 Subject, FW: Letters TEVA MDL A 09588503 56
12		TEVA_MDL_A_09588503 56
13		McGinn-5 E-mail string, top one
14		15 dated 10/14/2005 TEVA_MDL_A_09563657 81
15		16 16 1EVA_MDL_A_09303037 81
16		McGinn-6 E-mail string, top one
17		17 dated 2/18/15 attached Performance
18		18 Management Full Report
19		Subject, No Subject-2127.EML 19 TEVA MDL A 02333635 88
20		19 TEVA_MDL_A_02333635 88 20 McGinn-7 Prescription Opioid Sales
21		and Deaths, 1999-2013
22		21 no Bates 101 22 McGinn-8 Teva Opioid Market Share
23		22 McGinn-8 Teva Opioid Market Share Calculation : All Opioids
24		23 TEVA_MDL_A_00455086 104
24		24
	Page 7	Page 8
1	Page 7	Page 8
1 2	Page 7 EXHIBITS (cont'd) TEVA-MCGINN DESCRIPTION PAGE	Page 8 1 EXHIBITS (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE
	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one	1 EXHIBITS (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated
2 3	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12	1 EXHIBITS (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached
2	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one	1 EXHIBITS (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278
2 3 4 5	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 110	1 EXHIBITS (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5
2 3 4	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 McGinn-10 E-mail string, top one	1 E X H I B I T S (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached
2 3 4 5	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit	1 EXHIBITS (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached compliance review report
2 3 4 5 6	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit - Pomona	1 E X H I B I T S (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached
2 3 4 5 6	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit	1 EXHIBITS (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached compliance review report 7 TEVA_MDL_A_01464245 285 8 McGinn-19 E-mail string, top one dated 4/2/2013
2 3 4 5 6 7 8 9	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit - Pomona TEVA_MDL_A_06442142 McGinn-11 E-mails dated 5/24/12 Subject, RE: Cardinal SOM	1 EXHIBITS (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached compliance review report 7 TEVA_MDL_A_01464245 285 8 McGinn-19 E-mail string, top one
2 3 4 5 6 7	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit - Pomona TEVA_MDL_A_06442142 McGinn-11 E-mails dated 5/24/12 Subject, RE: Cardinal SOM issues	1 E X H I B I T S (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 8/6/13, and attached compliance review report 7 TEVA_MDL_A_01464245 285 8 McGinn-19 E-mail string, top one dated 4/2/2013 9 TEVA_MDL_A_01464010 300 10 McGinn-20 E-mails dated 3/14/2013 Subject, RE: FYI
2 3 4 5 6 7 8 9	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit - Pomona TEVA_MDL_A_06442142 McGinn-11 E-mails dated 5/24/12 Subject, RE: Cardinal SOM	1 E X H I B I T S (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached compliance review report 7 TEVA_MDL_A_01464245 285 8 McGinn-19 E-mail string, top one dated 4/2/2013 9 TEVA_MDL_A_01464010 300 10 McGinn-20 E-mails dated 3/14/2013 Subject, RE: FYI 11 TEVA_MD L_A_0145869 313
2 3 4 5 6 7 8 9 10	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA MDL A 06618645 110 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit - Pomona TEVA MDL A 06442142 144 McGinn-11 E-mails dated 5/24/12 Subject, RE: Cardinal SOM issues TEVA_MDL_A_01453866 154 McGinn-12 Teva Internal Memorandum	1 E X H I B I T S (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached compliance review report 7 TEVA_MDL_A_01464245 285 8 McGinn-19 E-mail string, top one dated 4/2/2013 9 TEVA_MDL_A_01464010 300 10 McGinn-20 E-mails dated 3/14/2013 Subject, RE: FYI 11 TEVA_MD L_A_01456869 313 12 McGinn-21 File provided natively slide deck, "SOM and
2 3 4 5 6 7 8 9	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 110 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit - Pomona TEVA_MDL_A_06442142 144 McGinn-11 E-mails dated 5/24/12 Subject, RE: Cardinal SOM issues TEVA_MDL_A_01453866 154 McGinn-12 Teva Internal Memorandum dated June X, 2012	1 E X H I B I T S (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 8/6/13, and attached compliance review report 7 TEVA_MDL_A_01464245 285 8 McGinn-19 E-mail string, top one dated 4/2/2013 9 TEVA_MDL_A_01464010 300 10 McGinn-20 E-mails dated 3/14/2013 Subject, RE: FYI 11 TEVA_MD L_A_01456869 313 12 McGinn-21 File provided natively slide deck, "SOM and 13 Current Cases"
2 3 4 5 6 7 8 9 10	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA MDL_A_06618645 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit - Pomona TEVA_MDL_A_06442142 McGinn-11 E-mails dated 5/24/12 Subject, RE: Cardinal SOM issues TEVA_MDL_A_01453866 McGinn-12 Teva Internal Memorandum dated June X, 2012 Drug Enforcement Agency ("DEA") Suspicious Order	1 E X H I B I T S (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached compliance review report 7 TEVA_MDL_A_01464245 285 8 McGinn-19 E-mail string, top one dated 4/2/2013 9 TEVA_MDL_A_01464010 300 10 McGinn-20 E-mails dated 3/14/2013 Subject, RE: FYI 11 TEVA_MD L_A_01456869 313 12 McGinn-21 File provided natively slide deck, "SOM and
2 3 4 5 6 7 8 9 10 11 12	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 110 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit - Pomona TEVA_MDL_A_06442142 144 McGinn-11 E-mails dated 5/24/12 Subject, RE: Cardinal SOM issues TEVA_MDL_A_01453866 154 McGinn-12 Teva Internal Memorandum dated June X, 2012 Drug Enforcement Agency ("DEA") Suspicious Order Monitoring Program	1 EXHIBITS (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached compliance review report 7 TEVA_MDL_A_01464245 285 8 McGinn-19 E-mail string, top one dated 4/2/2013 9 TEVA_MDL_A_01464010 300 10 McGinn-20 E-mails dated 3/14/2013 Subject, RE: FYI 11 TEVA_MDL_A_01456869 313 12 McGinn-21 File provided natively slide deck, "SOM and 13 Current Cases" TEVA_MDL_A_02480 (cutoff) 352 McGinn-22 E-mail string, top one
2 3 4 5 6 7 8 9 10 11	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 110 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit - Pomona TEVA_MDL_A_06442142 144 McGinn-11 E-mails dated 5/24/12 Subject, RE: Cardinal SOM issues TEVA_MDL_A_01453866 154 McGinn-12 Teva Internal Memorandum dated June X, 2012 Drug Enforcement Agency ("DEA") Suspicious Order Monitoring Program TEVA_MDL_A_06925565 191	1 E X H I B I T S (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached compliance review report 7 TEVA_MDL_A_01464245 285 8 McGinn-19 E-mail string, top one dated 4/2/2013 9 TEVA_MDL_A_01464010 300 10 McGinn-20 E-mails dated 3/14/2013 Subject, RE: FYI 11 TEVA_MD L_A_01456869 313 12 McGinn-21 File provided natively slide deck, "SOM and 13 Current Cases" TEVA_MDL_A_02480 (cutoff) 352
2 3 4 5 6 7 8 9 10 11 12	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 110 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit - Pomona TEVA_MDL_A_06442142 144 McGinn-11 E-mails dated 5/24/12 Subject, RE: Cardinal SOM issues TEVA_MDL_A_01453866 154 McGinn-12 Teva Internal Memorandum dated June X, 2012 Drug Enforcement Agency ("DEA") Suspicious Order Monitoring Program TEVA_MDL_A_06925565 191 {**CLAWED BACK}	1 E X H I B I T S (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached compliance review report 7 TEVA_MDL_A_01464245 285 8 McGinn-19 E-mail string, top one dated 4/2/2013 9 TEVA_MDL_A_01464010 300 10 McGinn-20 E-mails dated 3/14/2013 Subject, RE: FYI 11 TEVA_MD L_A_01456869 313 12 McGinn-21 File provided natively slide deck, "SOM and 13 Current Cases" TEVA_MDL_A_02480 (cutoff) 352 14 McGinn-22 E-mail string, top one dated 8/19/2015 Subject, FW: Global Internal 16 Audit: DEA - Final Report
2 3 4 5 6 7 8 9 10 11 12 13 14	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 110 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit - Pomona TEVA_MDL_A_06442142 144 McGinn-11 E-mails dated 5/24/12 Subject, RE: Cardinal SOM issues TEVA_MDL_A_01453866 154 McGinn-12 Teva Internal Memorandum dated June X, 2012 Drug Enforcement Agency ("DEA") Suspicious Order Monitoring Program TEVA_MDL_A_06925565 191 {**CLAWED BACK} McGinn-13 File Provided Natively	1 E X H I B I T S (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached compliance review report 7 TEVA_MDL_A_01464245 285 8 McGinn-19 E-mail string, top one dated 4/2/2013 9 TEVA_MDL_A_01464010 300 10 McGinn-20 E-mails dated 3/14/2013 Subject, RE: FYI 11 TEVA_MD L_A_01456869 313 12 McGinn-21 File provided natively slide deck, "SOM and 13 Current Cases" TEVA_MDL_A_02480 (cutoff) 352 14 McGinn-22 E-mail string, top one dated 8/19/2015 Subject, FW: Global Internal 16 Audit: DEA - Final Report TEVA_MDL_A_02475564 324
2 3 4 5 6 7 8 9 10 11 12 13 14	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 110 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit - Pomona TEVA_MDL_A_06442142 144 McGinn-11 E-mails dated 5/24/12 Subject, RE: Cardinal SOM issues TEVA_MDL_A_01453866 154 McGinn-12 Teva Internal Memorandum dated June X, 2012 Drug Enforcement Agency ("DEA") Suspicious Order Monitoring Program TEVA_MDL_A_06925565 191 {**CLAWED BACK}	1 E X H I B I T S (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached compliance review report 7 TEVA_MDL_A_01464245 285 8 McGinn-19 E-mail string, top one dated 4/2/2013 9 TEVA_MDL_A_01464010 300 10 McGinn-20 E-mails dated 3/14/2013 Subject, RE: FYI 11 TEVA_MD L_A_01456869 313 12 McGinn-21 File provided natively slide deck, "SOM and 13 Current Cases" TEVA_MDL_A_02480 (cutoff) 352 McGinn-22 E-mail string, top one dated 8/19/2015 Subject, FW: Global Internal 16 Audit: DEA - Final Report TEVA_MDL_A_02475564 324 McGinn-23 E-mails dated 8/19/2009
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE McGinn-9 E-mail string, top one dated 7/16/12 Subject, FW: DEA Suspicious Order Monitoring Program TEVA_MDL_A_06618645 110 McGinn-10 E-mail string, top one dated 9/16/12 Subject, RE: DEA Mock Audit - Pomona TEVA_MDL_A_06442142 144 McGinn-11 E-mails dated 5/24/12 Subject, RE: Cardinal SOM issues TEVA_MDL_A_01453866 154 McGinn-12 Teva Internal Memorandum dated June X, 2012 Drug Enforcement Agency ("DEA") Suspicious Order Monitoring Program TEVA_MDL_A_06925565 191 {**CLAWED BACK} McGinn-13 File Provided Natively TEVA_MD L_A_02336504 206 McGinn-14 Performance Management Evaluation dated 8/25/15 TEVA_MDL_A_10226863 238 McGinn-15 Compliance Solutions Powered By Buzzeo PDMA TEVA_MD L_A_01060005 243 McGinn-16 Intranet messaging dated 12/3/2015	1 E X H I B I T S (cont'd) 2 TEVA-MCGINN DESCRIPTION PAGE 3 McGinn-17 BuzzeoPDMA letter dated 7/14/13, and attached 4 site audit report TEVA_MDL_A_01464264 278 5 McGinn-18 BuzzeoPDMA letter dated 6 8/6/13, and attached compliance review report 7 TEVA_MDL_A_01464245 285 8 McGinn-19 E-mail string, top one dated 4/2/2013 9 TEVA_MDL_A_01464010 300 10 McGinn-20 E-mails dated 3/14/2013 Subject, RE: FYI 11 TEVA_MDL_A_01456869 313 12 McGinn-21 File provided natively slide deck, "SOM and 13 Current Cases" TEVA_MDL_A_02480 (cutoff) 352 14 McGinn-22 E-mail string, top one dated 8/19/2015 Subject, FW: Global Internal 16 Audit: DEA - Final Report TEVA_MDL_A_02475564 324 17 McGinn-23 E-mails dated 8/19/2009 18 Subject, RE: Suspicious Order Monitoring 19 TEVA_MDL_A_09576608 369 20 McGinn-24 E-mails dated 10/16/2017 Subject, RE: 60 Minutes 21 TEVA_MDL_A_01470384 384 22 McGinn-25 E-mail dated 2/8/2016
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	Page 9		Page 10
1	EXHIBITS (cont'd)	1	
2	TEVA-MCGINN DESCRIPTION PAGE	1 2	E X H I B I T S (cont'd) TEVA-MCGINN DESCRIPTION PAGE
3	McGinn-26 E-mails dated 2/11/2016,	3	TEVIT MEGITAL BESCHI TION THOE
4	with attached letter Subject, RE: Letter from		McGinn-33 E-mail dated 8/15/2012
5	Cardinal on Behalf of -	4	Subject, RE: You are
6	Minor edits and follow up ALLERGAN MDL 01373076 402	5	invited PPLPC031000957565 433
7	McGinn-27 E-mail dated 2/18/2016 with attached letter	6	McGinn-34 E-mail dated 3/19/2013
8	Subject, Letter to DEA		Subject, RE: Customer
9	ALLERGAN_MDL_01373080 405	7	Service Training PPT
10	McGinn-28 E-mail dated 5/26/2016 Subject, RE: Yesterday's	8	TEVA_MDL_A_02331426 446
	call	0	McGinn-35 April 2015 Chargeback
11 12	ALLERGAN_MDL_03536260 411 McGinn-29 E-mails dated 8/9/2011	9	Analysis
13	Subject, RE: Quota - Administrative Reviews		no Bates 457
	PPLPC019000568843 418	10	
14	McGinn-30 E-mail string, top one	11 12	
15	dated 7/12/2012	13	
16	Subject, RE: SOM ARCOS (all) reports generated	14	
17	by DEA doc PPLPC020000593125 427	15	
18	McGinn-31 E-mail dated 2/27/2013	16	
19	Subject, NJPIG Meeting - Information on FDA	17 18	
20	Hydrocodone Hearing TEVA MDL A 02063833 430	19	
21	McGinn-32 E-mail string, top one dated	20	
22	11/7/2016 Subject, RE: New Jersey	21	
23	Pharmaceutical Industry Group Meeting - November	22	
	10, 2016	23 24	
24	TEVA_MDL_A_01469841 433		
	Page 11		Page 12
			3 -
1	THE VIDEOGRAPHER: Good morning.	1	met off the record, and I'm going to be asking
1 2	THE VIDEOGRAPHER: Good morning. We are now on the record. My name is	1 2	
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2	We are now on the record. My name is	2	met off the record, and I'm going to be asking you questions first today. I want to say a few
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Page 13 Page 14 1 but, first of all, I want to know what your 1 A. I started with Cephalon in 2004. 2 current residential address is? 2 Cephalon was acquired by Teva. 3 3 A. I live in Pennsville, New Jersey. Q. For purposes of this deposition, 4 Q. Okay. And can you give me that 4 I'm going to try to distinguish the two, in 5 5 other words, refer to Cephalon when I'm asking address, please. 6 б you questions about that and then refer to Teva 7 7 during that time period when I'm asking you 8 And we're in Philadelphia today. 8 questions about Teva, okay? 9 How far is that from here? 9 A. Okay. A. I don't know how many miles. It 10 10 Q. And those are two separate was about an hour's drive. 11 11 pharmaceutical companies; is that correct? 12 A. They were, before the 12 I see, okay. 13 And what is your current business 13 acquisition. 14 address? 14 Q. Okay. And we'll talk about that 15 It's 145 Brandywine Parkway in 15 acquisition, but was the acquisition by Teva of Cephalon; is that correct? 16 West Chester, Pennsylvania. 16 17 Are you currently employed by 17 A. Teva acquired Cephalon. Teva? 18 18 Q. Okay. Have you ever given 19 19 deposition -- excuse me, strike that. A. I am. 20 20 That's a pharmaceutical company; Have you ever given testimony O. 21 is that correct? 21 under oath at all prior to today? 22 22 A. Never. A. It is. 23 Q. How long have you been employed 23 Q. Okay. Have you ever been a 24 by Teva? 24 witness in any investigations by federal Page 15 Page 16 prosecutors or the DEA? 1 that was an inspection, but nothing came out of 1 2 2 A. No. it. 3 Q. Have you ever been interviewed by 3 What time period was that? Q. 4 federal prosecutors or the DEA? 4 That would have been 20 -- I'm 5 A. Define an interview. 5 guessing that it was 2013. Q. Okay. We'll talk a little bit 6 Q. Well, I guess what I mean by 6 7 interview is representatives of a governmental 7 more about that later. 8 entity, specifically the U.S. Attorney's office 8 Any other times when you think 9 or let's include the FDA or the DEA who have 9 potentially you were a witness or interviewed 10 asked to speak with you about anything to do 10 related to your job responsibilities by the U.S. 11 with your job responsibilities either at 11 Attorneys or the FDA or the DEA? 12 Cephalon or Teva. 12 A. No. 13 A. I interact with DEA on a regular 13 Okay. Now, you understand that 14 basis. They inspect our facilities. I would --14 in 2008, Cephalon, your former company or if you want to consider that an interview, then employer, pled guilty to illegal off-label 15 15 16 I've talked to DEA. marketing? 16 17 Q. That's a good point. Maybe I 17 MR. ANDRISANI: Objection. should have been more specific in my question. 18 18 THE WITNESS: Yes. 19 Really what I'm trying to get at 19 BY MR. CARTMELL: 20 is have you ever been interviewed during the 20 Q. And you understand that as a 21 course of an investigation by the DEA or FDA or 21 result of that guilty plea for illegal off-label 22 22 marketing by Cephalon, they paid a \$425 million the U.S. Attorneys? 23 A. We had an informal hearing with 23 fine? 24 DEA at one point in time for a Virginia facility 24 MR. ANDRISANI: Objection.

	Page 17		Page 18
1	THE WITNESS: I don't know how	1	compiling information or preparing documents
2	much the fine was.	2	that were provided to the U.S. Attorneys in that
3	BY MR. CARTMELL:	3	investigation?
4	Q. Were you aware that they paid a	4	A. I don't recall.
5	fine?	5	Q. Could have been?
6	A. Yes.	6	A. I honestly don't remember.
7	Q. And as a result of that, is it	7	Q. You understand you're under oath
8	true that they entered into a corporate	8	today?
9	integrity agreement?	9	A. I do.
10	MR. ANDRISANI: Objection.	10	Q. Okay. Now, I want to look and
11	THE WITNESS: I don't have	11	talk about your employment history a little bit
12	details about that.	12	more.
13	BY MR. CARTMELL:	13	MR. CARTMELL: 703, please.
14	Q. Were you at all involved in that	14	(Document marked for
15	investigation by the U.S. Attorneys or the	15	identification as McGinn Deposition
16	federal government?	16	Exhibit No. 1.)
17	A. No.	17	BY MR. CARTMELL:
18	Q. Okay. In other words, nobody	18	Q. I'll hand you what's been marked
19	asked you to give an interview or to speak to	19	as Exhibit 1.
20	you about your job responsibilities at Cephalon?	20	MR. ANDRISANI: Is it one page or
21	MR. ANDRISANI: Objection, form.	21	two?
22	THE WITNESS: No.	22	MR. CARTMELL: It's just one.
23	BY MR. CARTMELL:	23	BY MR. CARTMELL:
24	Q. Were you involved at all in	24	Q. Ms. McGinn, this is a copy, I
	,		, 177
	Page 19		Page 20
1	Page 19 believe, of your LinkedIn page that we found on	1	A. I believe that it was
1 2		1 2	
	believe, of your LinkedIn page that we found on		A. I believe that it was
2	believe, of your LinkedIn page that we found on the internet.	2	A. I believe that it was October 2011.
2 3	believe, of your LinkedIn page that we found on the internet. Do you recognize this?	2 3	A. I believe that it was October 2011. Q. Okay. Thank you. Now, you say
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	believe, of your LinkedIn page that we found on the internet. Do you recognize this? A. Yes. Q. Okay. Because I want to talk a little bit about your employment history, I thought this would be a good reference, but it states here that, as you stated, that from 2004 until 2012, you were an associate director, corporate controlled substances. Do you see that? A. I do. Q. Now, it states that that was for Teva Pharmaceuticals, but, actually, at that time you were an employee of Cephalon, which was later acquired by Teva; is that true? A. From 2004 till the acquisition in 2011, yes. Q. And, actually, when was it that you first became an employee of Teva? A. It would have been the day of the acquisition.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I believe that it was October 2011. Q. Okay. Thank you. Now, you say here that you were the director associate director of corporate controlled substances until September of 2012, and so I guess my question is even after the acquisition in October of 2011, you retained that title as associate director, corporate controlled substances? A. That's correct. Q. Okay. Tell us, if you can, when you were hired by Cephalon in April of 2004, were you at that time an associate director of corporate controlled substances? Was that your title? A. No. Q. Okay. So what was your title when you were hired? A. It was manager, controlled substances. Q. Tell us what your duties entailed

	Page 21		Page 22
1	activities at the West Chester facility. They	1	testing on animals, for clinical trials would
2	had a laboratory. They had a vivarium, a	2	not have required a prescription, but in
3	clinical manufacturing or packaging operation at	3	general, yes.
4	the facility. So I was responsible for the	4	Q. Okay. Thank you for that
5	controlled substance activities, DEA records,	5	clarification.
6	reports, quota applications, destructions,	6	Real quick. I forgot to ask you,
7	inventories, reconciliations, inspections,	7	is there a reason why on your LinkedIn page you
8	anything that had to do with West Chester.	8	don't mention Cephalon, and you categorize your
9	Q. We're going to talk a lot today	9	time from eight excuse me from April of
10	about controlled substances.	10	2004 through 2011 as being an employee of Teva
11	Will you tell the jury what that	11	when you were not?
12	means?	12	MR. ANDRISANI: Objection, form.
13	A. A controlled substance is a	13	THE WITNESS: So once the
14	pharma a product that DEA regulates or	14	acquisition was completed, Cephalon is
15	controls.	15	Teva, was Teva, and it just didn't seem
16	Q. And in the course of your	16	important on LinkedIn.
17	deposition, because we're talking about times	17	BY MR. CARTMELL:
18	and your duties at pharmaceutical companies,	18	Q. Okay. Now, when was it after you
19	we're talking about prescription pharmaceuticals	19	first went to work for Cephalon in 2004 that you
20	that are actually categorized as controlled	20	received a promotion to associate director?
21	substances; is that right?	21	A. Actually, I received a promotion
22	A. Not all of the controlled	22	to senior manager first.
23	substances we handle would have a prescription.	23	Q. Senior manager of controlled
24	So things that were used in the laboratory for	24	substances?
			Page 24
1	A. Yes.	1	Exhibit No. 2.)
2	Q. When was that?	2	BY MR. CARTMELL:
3	A. I don't remember the exact year.	3	Q. Let me hand you what's been
4	Q. What were your job duties as	4	marked as Exhibit 2, and I just have a real
5	senior manager of controlled substances?	5	quick question about this document that was
6	A. It was not much different than	_	produced by Teva in this litigation.
7	what I was already doing.	6 7	As you'll see, Exhibit 2 is a
8	Q. At that time were you responsible	8	series of corporate organizational charts with
9	for one of Cephalon's facilities?	9	Cephalon's logo. This document was produced
10	A. Yes, for West Chester.	10	from Teva's internal files, and I want to ask
11	Q. The West Chester facility?	11	you about the page that has the last three Bates
12	A. Mm-hmm.	12	numbers 264.
13	Q. Okay. When you were hired at	13	MR. ANDRISANI: Is that the one
14	Cephalon, what was your educational background?	14	up on the screen?
15	A. Just a high school diploma.	15	MR. CARTMELL: Yes, sir.
16	Q. So prior to going to work for	16	MR. ANDRISANI: Okay.
17	Cephalon, you had never gone to college?	17	BY MR. CARTMELL:
18	A. I had completed a couple of years	18	Q. Ms. McGinn, this is titled "GLP
19	but never got a degree.	19	and GCP & GPvP QA."
20	Q. I see. Did you have any medical	20	Do you see that?
21	training prior to that time?	21	A. Yes.
22	A. No.	22	Q. What is tell the jury what
23	(Document marked for	23	that means.
24	identification as McGinn Deposition	24	A. Good laboratory practices and
4		- 1	11. SSSE Incolutory Principous unit

	Page 25		Page 26
1	good clinical practices and good	1	Q. And it looks like your title was
2	pharmacovigilance practices and QA.	2	associate director, controlled substances.
3	Q. Was that actually the department	3	Do you see that?
4	at Cephalon that you were in?	4	A. Yes.
5	A. Yes.	5	Q. When was it that you were
6	Q. You'll see in the bottom of this	6	promoted to associate director, controlled
7	document, there's a date of January 13th, 2010.	7	substances?
8	Do you see that?	8	A. I don't remember the date.
9	A. Yes.	9	Q. We know it was before January of
10	Q. And you're on this corporate	10	2010. Do you think it was somewhere around that
11	organizational chart from Cephalon. It looks	11	time period?
12	like Ernest Kelly was the vice president, or	12	A. It would be a total guess, but it
13	that would be the highest ranking member of this	13	wasn't long before that.
14	department; is that correct?	14	Q. Okay. Now, was this department
15	A. Yes.	15	that you were in essentially a DEA compliance
16	Q. And then Kathy Callison is senior	16	department?
17	director of good laboratory practice, quality	17	A. Yes.
18	assurance and DEA compliance.	18	Q. And did your responsibilities and
19	Do you see that?	19	duties at that time have to do with compliance
20	A. Yes.	20	with the DEA related to the sale or manufacture
21	Q. You were directly under	21	of controlled substances?
22	Ms. Callison as of January 10, 2010; is that	22	A. Yes.
23	right?	23	Q. Now, at the time you were at
24	A. Yes.	24	Cephalon starting in 2004, Cephalon was a
	Page 27		Page 28
1	multibillion dollar pharmaceutical company; is	1	Cephalon first started selling Actiq around
2	that correct?	2	2001.
3	A. I'm not exactly sure what they	3	Is that consistent with your
4	were worth or but it was a pharmaceutical	4	memory?
5	company.	5	A. I don't know because it was
6	Q. Okay. Did you know whether or	6	before I started there. I don't remember when
7	not they were worth over a billion dollars?	7	they started.
8	A. No. I don't recall that.	8	Q. All you know is that when you
9	Q. I see. So during this time	9	started in 2004, that was an opioid product that
10	period, though, when you worked at Cephalon, was	10	Cephalon was selling?
11	Cephalon selling controlled substances?	11	A. Yes.
12	A. Yes.	12	Q. Were they manufacturing and
13	Q. One of the products that Cephalon	13	selling it?
14 15	was selling that qualified as a controlled substance was a problem excuse me a	14	A. Yes.
16	product called Actiq; is that right?	16	Q. Now, were there any other opioid
17	A. Yes.	17	products at that time that Cephalon was selling? A. Can you define "selling"?
18	A. 1 es. Q. Did I pronounce it right?	18	· · · · · · · · · · · · · · · · · · ·
19	A. You did.	19	Q. Well, let's see, I guess what I meant was providing the product for a price to
20		20	other individuals or entities?
21	Q. Actiq is a fentanyl-based opioid product; is that right?	21	
22	A. Yes.	22	A. Okay. Were there any other opioids to you're talking about commercial
23	Q. And I think the records that	23	product to patients, or could it include
ر ک	Z. This I willik the records that	23	
2.4	we've received in this litigation suggests that	2.4	clinical material?
24	we've received in this litigation suggests that	24	clinical material?

Page 29 Page 30 1 Q. I think it could include both. 1 narcotics that Cephalon was selling to 2 A. And could you repeat the 2 pharmacies or distributors during your eight and 3 3 question. a half years and not about the use of those 4 Were there any other opioid 4 products for clinical trials, okay? 5 products that Cephalon was selling when you 5 A. Okay. 6 started in 2004? б Q. During that period of time, did 7 7 your job as associate director of controlled A. No. Ultimately, at some point, I 8 8 substances involve compliance with the O. 9 9 believe around 2006, Cephalon started selling Controlled Substance Act as far as the sale of another opioid product called Fentora; is that 10 10 Actiq and Fentora in the -- in the chain to 11 11 right? pharmacies and doctors and distributors? 12 12 A. I don't remember the exact year MR. ANDRISANI: Objection. 13 but Fentora was one of our products. 13 THE WITNESS: At what period of 14 And Fentora was another opioid 14 time? 15 product; is that right? 15 BY MR. CARTMELL: 16 A. Yes. 16 Q. I guess I'm talking about any 17 Was Fentora actually the product 17 time when you were associate director of 18 that was launched following the time that the controlled substance. 18 prior Actiq opioid went off patent? 19 19 A. And so could you repeat the 20 I don't know when it went off 20 question again, please. A. 21 patent. 21 Q. Sure. I'm not sure it was a good 22 22 one. It was pretty long. Q. Okay. For purposes of my 23 question, I want to talk about the sale of Actiq 23 What I was trying to find out was 24 and Fentora, the controlled substance opioid 24 did your job as associate director of controlled Page 31 Page 32 distributors that Cephalon was selling these substances in the DEA compliance department at 1 1 2 2 Cephalon involve anything to do with the sale of opioids too. 3 Actiq and Fentora to pharmacies or doctors or 3 A. AmerisourceBergen, Cardinal 4 4 Health, McKesson. patients? 5 MR. ANDRISANI: Objection. 5 Q. So I think the three names that б BY MR. CARTMELL: 6 you just gave are very large pharmaceutical 7 Q. And the DEA compliance aspects of 7 distributors in the United States; is that 8 that? 8 correct? 9 MR. ANDRISANI: Objection. 9 Yes. A. 10 THE WITNESS: First, let me say 10 Sometimes in the documents I've O. 11 that we did not sell directly to doctors 11 seen reference to the big three. 12 or pharmacies. We sold to wholesalers 12 Have you seen reference to that? 13 or distributors. 13 I have. 14 BY MR. CARTMELL: 14 Q. And is that because that's Q. Okay. Let's make that clear for 15 referring to those three companies, 15 the record. That's a good point. 16 AmerisourceBergen, Cardinal and McKesson, those 16 17 So during the time that you were 17 are multibillion dollar distributors of at Cephalon and Cephalon was selling opioids on 18 18 pharmaceuticals, correct? 19 the open market, they were selling them to who? 19 MS. ROLLINS: Objection to form. 20 20 THE WITNESS: I don't know what A. It's my understanding that we 21 were selling directly to wholesalers or 21 they're worth. 22 distributors. 22 BY MR. CARTMELL: 23 Q. Give us an example of the 23 Q. All you know is they're very big; 24 customers for Cephalon, the wholesalers and 24 fair enough?

Page 33 Page 34 1 They're large, yes. 1 A. At the point I became associate Okay. And so at Cephalon when director, yes. 2 Q. 2 3 you were selling Actiq and you were selling 3 Q. And I think you said that you don't recall specifically when that was, but it 4 Fentora for those eight and a half years while 4 5 you were there, those products and the customers 5 was close in time to January of 2010? 6 of Cephalon were the big three, for example, and 6 A. Yes. 7 other wholesale distributors as well; is that 7 Okay. Tell us what your job O. responsibilities were at Cephalon when you 8 fair? 8 9 9 MR. ANDRISANI: Objection, form. became -- strike that. 10 THE WITNESS: I don't remember What were your job 10 11 exactly who the customers were, but I'm responsibilities at Cephalon related to 11 12 sure there were others. suspicious order monitoring of those opioids 12 13 BY MR. CARTMELL: 13 that Cephalon was selling? 14 14 Q. Do you have any idea how many MR. ANDRISANI: Objection. 15 customers there were that Cephalon was selling 15 THE WITNESS: My job would have 16 these opioids to? 16 been to report any suspicious orders. 17 A. I do not have an exact number. 17 BY MR. CARTMELL: 18 Q. So you were clarifying something, 18 Q. Okay. We're going to talk more 19 and I want to go back to my question now. I'm 19 about that later. I want to go back, if we can 20 trying to understand if your job 20 to, Exhibit 1, which is your LinkedIn page, and 21 responsibilities while at Cephalon had anything 21 we've talked previously that there was the 22 to do with, for example, suspicious order 22 acquisition by Teva of the pharmaceutical 23 monitoring related to the opioids that you were 23 company called Cephalon in 2011. 24 selling at Cephalon? 24 At that time did your job Page 35 Page 36 responsibilities change when you went from 1 1 responsibility. Q. Starting when, September? 2 Cephalon to Teva as an employee? 2 3 A. I would not have been responsible 3 September '12, yes. 4 for suspicious order monitoring at that point. 4 Q. Who did you assume the 5 Teva would have assumed the responsibility for 5 responsibility from at that time? 6 suspicious order monitoring, but I was in charge б A. Dennis Ferrell. 7 7 of the Cephalon manufacturing sites. Q. Did he leave the company? 8 And that started in October of 8 Not in 2012, but he's since left Q. A. 9 2011; is that fair? 9 the company. 10 I don't know when that exactly 10 Q. Why was it that Dennis Ferrell A. 11 11 stopped the responsibilities related to started. 12 Q. Okay. But around that time? 12 suspicious order monitoring? MR. ANDRISANI: Objection. 13 A. There would have been a 13 transition period, I'm sure. THE WITNESS: Dennis Ferrell was 14 14 Q. When you -- strike that. in charge of the DEA compliance group at 15 15 16 Did you remain in the position at Teva, and by September 2012 they asked 16 17 Teva titled director, DEA compliance from 17 me to assume that role. 18 September 2012 until October 2015? 18 BY MR. CARTMELL: 19 A. Yes. 19 Was he promoted to a different 20 20 role? And tell us during that period of 21 time what your job responsibilities were with 21 A. No. respect to suspicious order monitoring of the 22 22 Where did he get transferred to, Q. 23 opioids that Teva was selling? 23 what job? 24 A. I would have assumed the 24 A. I don't know what his title was.

Page 37 Page 38 1 Q. When you started in 1 Q. When Teva acquired Cephalon in 2 September 2012 as the director of DEA compliance approximately October of 2011, they acquired the 2 3 at Teva Pharmaceuticals, what did your job 3 opioids that Cephalon had been selling; is that 4 4 correct? 5 All of the DEA compliance 5 MR. ANDRISANI: Objection. A. 6 activities at the facilities, all of the Teva 6 THE WITNESS: Yes. 7 facilities, the Cephalon facilities and 7 BY MR. CARTMELL: 8 8 suspicious order monitoring. Q. That included Actiq and Fentora? 9 9 MR. ANDRISANI: Objection. Q. When -- strike that. 10 So as the director of DEA 10 THE WITNESS: Yes. 11 compliance at that time at Teva Pharmaceuticals BY MR. CARTMELL: 11 12 in September of 2012, were you responsible for 12 Q. And I didn't ask you this, but 13 all DEA compliance in all of the facilities for 13 Actiq and Fentora are fentanyl-based opioids; is 14 14 Teva? that right? 15 A. The only piece that I was not 15 MR. ANDRISANI: Objection. 16 responsible for at that point was the quota 16 THE WITNESS: Yes. 17 applications. Dennis still handled the quota. 17 BY MR. CARTMELL: Q. What do you mean by Q. And those would be considered 18 18 19 "applications"? 19 high risk opioids; is that fair? 20 A. So to manufacture Schedule II 20 MR. ANDRISANI: Objection, form. 21 drugs, we have to submit an application to DEA 21 THE WITNESS: They're Schedule 22 to procure Schedule IIs, and so you have to 22 IIs like any other Schedule II. 23 justify through an application that you submit 23 BY MR. CARTMELL: 24 to DEA. 24 Q. But you know from your experience Page 39 Page 40 1 and speaking at Buzzeo conferences, dealing with 1 opioids that Cephalon was selling and Teva has 2 the DEA over the years, that there are certain 2 been selling for abuse and diversion, correct? 3 opioid drugs that are classified as high risk or 3 MR. ANDRISANI: Objection. 4 higher risk, correct? 4 THE WITNESS: They were Schedule 5 MR. ANDRISANI: Objection. 5 IIs. BY MR. CARTMELL: 6 THE WITNESS: All Schedule IIs 6 7 are Schedule IIs. They all carry a risk 7 Q. Okay. I don't mean to -- I just 8 of abuse and diversion. 8 want to make sure the record is clear. You said 9 BY MR. CARTMELL: 9 a minute ago -- isn't it true, Ms. McGinn, that 10 Q. Are some higher risk than others? 10 Fentora and Actiq, drugs like oxycodone are high 11 MR. ANDRISANI: Objection. 11 risk drugs for diversion and abuse? 12 THE WITNESS: There's a risk of 12 MR. ANDRISANI: Objection, form. 13 abuse. 13 BY MR. CARTMELL: BY MR. CARTMELL: 14 14 Q. In your words? Q. Are some opioids like Actiq and A. And I said all Schedule IIs are 15 15 Fentora or oxycodone higher risk for, for at risk for abuse and diversion. 16 16 17 example, abuse and diversion? 17 Q. You said high risk, didn't you? 18 MR. ANDRISANI: Objection form. 18 A. Okay, they're high risk. THE WITNESS: All Schedule IIs 19 19 Q. Okay. Now, when you took over at 20 are high risk for abuse and diversion. Teva as the director of the DEA compliance 20 21 BY MR. CARTMELL: 21 group, did the buck stop with you, so to speak, 22 Q. Okay. And that's really what I 22 with respect to all DEA compliance related to 23 was getting at. 23 the opioids? 24 These are high risk drugs, these 24 MR. ANDRISANI: Objection.

Page 41 Page 42 1 THE WITNESS: Did the buck stop 1 reported to Laura Queen in HR for a couple more 2 2 with me? I mean, I reported in to months. 3 somebody else who -- where the buck 3 And then who did you report to Q. after that? 4 would have stopped, but I assume the 4 5 responsibility for DEA compliance. 5 Karin Shanahan. A. 6 BY MR. CARTMELL: 6 How long did you report to her? O. 7 Q. Okay. But the buck stopped with 7 I don't remember exactly. It was 8 8 the person over you in DEA compliance I think is around the time of the Actavis integration that 9 9 what you're saying? I was moved out from underneath of Karin. 10 10 I think that was at some point in A. Yes. 11 MR. ANDRISANI: Objection form to 11 2016. 12 12 Is that consistent with your the question. 13 BY MR. CARTMELL: 13 memory? 14 14 And who was that in September of Yeah, somewhere around there. 15 2012? 15 O. Okay. We talked about Cephalon 16 16 but -- strike that. I reported to Chris Lowery. A. 17 Q. And what was Mr. Lowery's 17 As far as Teva as a 18 position? 18 pharmaceutical company when you started there in 19 A. He was the corporate security 19 approximately October of 2011, was Teva already 20 officer. I reported to him for a period of 20 selling and manufacturing opioid drugs? 21 about a month. 21 A. I don't remember what their 22 And then who did you report to 22 product line is -- was, to be honest. Q. 23 after that? 23 You don't know --24 24 A. He left the company, and I A. I remember a couple of products, Page 43 Page 44 1 Mr. Hasler, who was a designated 1 but not the entire product line. 2 2 30(b)(6) witness or corporate representative for Q. Okay. Let me go back and make 3 3 Teva, was deposed in this litigation and the record clear on that. 4 testified that Teva had been selling opioid 4 When you started in approximately 5 5 October of 2011 as an employee of Teva, it's products since 2006. 6 If that's true, do you have any 6 your recollection that at that time, Teva had 7 7 been for some period of time selling opioids? reason to dispute that? 8 I'm not sure. At the time of the 8 MR. ANDRISANI: Objection, form. 9 9 THE WITNESS: No. acquisition, my responsibilities remained at 10 Cephalon, and we didn't really discuss the 10 BY MR. CARTMELL: 11 portfolio for Teva or what products they had. 11 Q. I take it shortly after you began as an employee at Teva in October of 2011 and 12 Q. All right. But I think you just 12 then were or became the associate director --13 said a minute ago, and I just want to follow up 13 on that to make it clear, that you knew that 14 14 strike that. when you started at Teva, there were a few 15 15 I take it that shortly after you opioid products that Teva was selling; is that 16 became the director of DEA compliance at Teva in 16 17 17 2012, you learned that, in fact, Teva had been fair? MR. ANDRISANI: Objection. 18 selling opioids for a period of time, correct? 18 19 THE WITNESS: I'm saying that I 19 A. At the time of the promotion in 20 20 2012, I became more familiar with the knew they had Schedule IIs. I don't 21 know -- I don't remember if I knew in 21 manufacturing sites and the products that they 22 22 2012 which opioids or if they even had manufactured. 23 opioids. I don't remember. 23 Q. Is that because at that time you now had to become responsible for not only 24 BY MR. CARTMELL: 24

Page 45 Page 46 1 Cephalon's sites related to TVA -- DEA 1 substance sites in the pharmaceutical industry; 2 compliance but also Teva's sites and facilities 2 is that correct? 3 related to DEA compliance? 3 MR. ANDRISANI: Objection. 4 A. Correct. 4 THE WITNESS: Yes. 5 And I take it at that time in 5 BY MR. CARTMELL: 6 2012, you then learned that Teva was not only 6 Q. And you've also been classified 7 now selling Actiq and Fentora, the opioids that 7 or Teva has as the largest manufacturer of 8 they had acquired from Cephalon, but they had 8 controlled substances in the pharmaceutical 9 9 also been selling generic opioids for a period industry, correct? 10 of time prior to the time that you went to Teva, 10 MR. ANDRISANI: Objection. 11 fair? THE WITNESS: I'd say generic, 11 12 A. Yes. 12 yes. 13 Q. Do you have any idea how many 13 BY MR. CARTMELL: opioid products, different opioid products that 14 14 Okay. And let's explain that for 15 Teva had been selling as of 2012 when you got 15 the jury. 16 there? 16 There are generic opioids, and 17 A. No. 17 there are brand name opioids; is that correct? 18 You just know it was several 18 A. Q. Yes. 19 products? 19 Explain that to the jury, what Q. 20 20 A. Yes. the difference is. 21 Q. And now, I noticed from the 21 MR. ANDRISANI: Objection, form. 22 documents that were produced from your custodial 22 THE WITNESS: I mean, I'm maybe 23 file, at this point you had been described as 23 not qualified to really explain it well, the head of the largest network of controlled 24 24 but a brand is where you have your own Page 47 Page 48 BY MR. CARTMELL: 1 product and it's yours, you have a 1 2 2 patent protection. Whereas a generic is Q. They were at one time? 3 the off-label from the brand. 3 A. I can't say that they were --4 BY MR. CARTMELL: 4 MR. ANDRISANI: Objection. 5 So is it fair to say that your 5 THE WITNESS: -- the largest 6 understanding is that Teva, the pharmaceutical 6 manufacturer of an opioid. They are the 7 7 largest manufacturer of generic company that you're working for and have been 8 for several years, is the largest manufacturer 8 pharmaceuticals, for sure. 9 of generic opioids in the United States? 9 BY MR. CARTMELL: 10 MR. ANDRISANI: Objection. 10 Q. Do you know if they're the 11 THE WITNESS: I -- could you 11 largest manufacturer of generic opioids in the 12 repeat the question, please. 12 United States? 13 BY MR. CARTMELL: 13 MR. ANDRISANI: Objection. 14 Teva is the largest manufacturer 14 THE WITNESS: I don't. of generic opioids in the United States, 15 15 (Document marked for identification as McGinn Deposition 16 correct? 16 17 MR. ANDRISANI: Objection, form. 17 Exhibit No. 3.) 18 THE WITNESS: As of when? 18 BY MR. CARTMELL: 19 19 Q. Ms. McGinn, we were produced BY MR. CARTMELL: 20 Q. I was just actually asking about 20 documents in this litigation, including copies 21 now, presently. 21 of your performance reviews over the time that 22 MR. ANDRISANI: Objection. 22 you have worked for Teva, and I want to ask you 23 THE WITNESS: I can't say that 23 a few questions about that. 24 24 I've handed you Exhibit 3. Do presently, no.

	Page 49		Page 50
1	you see that?	1	performance?
2	A. Yes.	2	A. I don't.
3	Q. This is a copy of your 2018	3	Q. Okay. Your best guess is that
4	midyear review.	4	every year that you've worked for Cephalon or
5	Do you see that?	5	Teva, you actually had a performance review,
6	A. I do.	6	fair?
7	Q. How often since you've been an	7	A. It's hard to say during the
8	employee at Teva are you reviewed?	8	transition year what would have happened.
9	A. Since I've been at Teva, they're	9	Q. Who would know that?
10	required to do it at least annually.	10	A. I assume HR.
11	Q. This is a midyear review. Are	11	Q. And what does your review consist
12	you typically reviewed twice a year?	12	of?
13	A. That is the current procedure.	13	MR. ANDRISANI: Objection, form.
14	Q. How long has that been going; do	14	THE WITNESS: Are you are
15	you know?	15	you could you ask
16	A. I don't.	16	BY MR. CARTMELL:
17	Q. During 2011 and 2012 during the	17	Q. Typical review, what does it
18	period of time when you were transitioning from	18	consist of?
19	Cephalon to Teva as an employee once Teva	19	MR. ANDRISANI: Objection.
20	acquired Cephalon, were you reviewed during	20	THE WITNESS: So it's your
21	those periods of time?	21	performance based on the goals.
22	A. I don't recall.	22	BY MR. CARTMELL:
23	Q. Well, do you recall ever having a	23	Q. And we can see from this document
24	year when you didn't have a review of your	24	that you were asked to provide input; is that
24	year when you didn't have a review or your	24	that you were asked to provide input, is that
	Page 51		Dama [2
			Page 52
1	correct?	1	this case; is that right?
1 2		1 2	
	correct?		this case; is that right?
2	correct? A. Yes.	2	this case; is that right? MR. ANDRISANI: Objection to
2 3	correct? A. Yes. Q. And talk about all the good	2	this case; is that right? MR. ANDRISANI: Objection to form.
2 3 4	correct? A. Yes. Q. And talk about all the good things that you've done as an employee, correct?	2 3 4	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion.
2 3 4 5	correct? A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection.	2 3 4 5	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL:
2 3 4 5 6	correct? A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection. THE WITNESS: Yes.	2 3 4 5 6	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL: Q. How much time or what percentage
2 3 4 5 6 7	A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection. THE WITNESS: Yes. BY MR. CARTMELL:	2 3 4 5 6 7	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL: Q. How much time or what percentage of your job duties have been related to working
2 3 4 5 6 7 8	A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection. THE WITNESS: Yes. BY MR. CARTMELL: Q. And then you get feedback, I take	2 3 4 5 6 7 8	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL: Q. How much time or what percentage of your job duties have been related to working on this litigation behind the scenes?
2 3 4 5 6 7 8	A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection. THE WITNESS: Yes. BY MR. CARTMELL: Q. And then you get feedback, I take it, from your superiors related to your	2 3 4 5 6 7 8	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL: Q. How much time or what percentage of your job duties have been related to working on this litigation behind the scenes? MR. ANDRISANI: Objection, form.
2 3 4 5 6 7 8 9	A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection. THE WITNESS: Yes. BY MR. CARTMELL: Q. And then you get feedback, I take it, from your superiors related to your performance as well; is that right?	2 3 4 5 6 7 8 9	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL: Q. How much time or what percentage of your job duties have been related to working on this litigation behind the scenes? MR. ANDRISANI: Objection, form. THE WITNESS: My time spent on
2 3 4 5 6 7 8 9 10	A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection. THE WITNESS: Yes. BY MR. CARTMELL: Q. And then you get feedback, I take it, from your superiors related to your performance as well; is that right? A. Correct.	2 3 4 5 6 7 8 9 10	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL: Q. How much time or what percentage of your job duties have been related to working on this litigation behind the scenes? MR. ANDRISANI: Objection, form. THE WITNESS: My time spent on this has been minimal.
2 3 4 5 6 7 8 9 10 11	A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection. THE WITNESS: Yes. BY MR. CARTMELL: Q. And then you get feedback, I take it, from your superiors related to your performance as well; is that right? A. Correct. Q. I want to ask you about on this	2 3 4 5 6 7 8 9 10 11 12	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL: Q. How much time or what percentage of your job duties have been related to working on this litigation behind the scenes? MR. ANDRISANI: Objection, form. THE WITNESS: My time spent on this has been minimal. BY MR. CARTMELL:
2 3 4 5 6 7 8 9 10 11 12 13	A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection. THE WITNESS: Yes. BY MR. CARTMELL: Q. And then you get feedback, I take it, from your superiors related to your performance as well; is that right? A. Correct. Q. I want to ask you about on this performance review, if you go down to "Goal	2 3 4 5 6 7 8 9 10 11 12 13	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL: Q. How much time or what percentage of your job duties have been related to working on this litigation behind the scenes? MR. ANDRISANI: Objection, form. THE WITNESS: My time spent on this has been minimal. BY MR. CARTMELL: Q. Okay. Well, as part of your
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection. THE WITNESS: Yes. BY MR. CARTMELL: Q. And then you get feedback, I take it, from your superiors related to your performance as well; is that right? A. Correct. Q. I want to ask you about on this performance review, if you go down to "Goal Details."	2 3 4 5 6 7 8 9 10 11 12 13 14	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL: Q. How much time or what percentage of your job duties have been related to working on this litigation behind the scenes? MR. ANDRISANI: Objection, form. THE WITNESS: My time spent on this has been minimal. BY MR. CARTMELL: Q. Okay. Well, as part of your midyear legal excuse me, strike that.
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection. THE WITNESS: Yes. BY MR. CARTMELL: Q. And then you get feedback, I take it, from your superiors related to your performance as well; is that right? A. Correct. Q. I want to ask you about on this performance review, if you go down to "Goal Details." Do you see that.	2 3 4 5 6 7 8 9 10 11 12 13 14	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL: Q. How much time or what percentage of your job duties have been related to working on this litigation behind the scenes? MR. ANDRISANI: Objection, form. THE WITNESS: My time spent on this has been minimal. BY MR. CARTMELL: Q. Okay. Well, as part of your midyear legal excuse me, strike that. As a part of your midyear review,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection. THE WITNESS: Yes. BY MR. CARTMELL: Q. And then you get feedback, I take it, from your superiors related to your performance as well; is that right? A. Correct. Q. I want to ask you about on this performance review, if you go down to "Goal Details." Do you see that. A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL: Q. How much time or what percentage of your job duties have been related to working on this litigation behind the scenes? MR. ANDRISANI: Objection, form. THE WITNESS: My time spent on this has been minimal. BY MR. CARTMELL: Q. Okay. Well, as part of your midyear legal excuse me, strike that. As a part of your midyear review, it states one of two things here is that you are
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection. THE WITNESS: Yes. BY MR. CARTMELL: Q. And then you get feedback, I take it, from your superiors related to your performance as well; is that right? A. Correct. Q. I want to ask you about on this performance review, if you go down to "Goal Details." Do you see that. A. Yes. Q. Under b. it states, "Support litigation defense with necessary documents and information."	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL: Q. How much time or what percentage of your job duties have been related to working on this litigation behind the scenes? MR. ANDRISANI: Objection, form. THE WITNESS: My time spent on this has been minimal. BY MR. CARTMELL: Q. Okay. Well, as part of your midyear legal excuse me, strike that. As a part of your midyear review, it states one of two things here is that you are working on this case, correct? MR. ANDRISANI: Objection, form. THE WITNESS: It's not
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And talk about all the good things that you've done as an employee, correct? MR. ANDRISANI: Objection. THE WITNESS: Yes. BY MR. CARTMELL: Q. And then you get feedback, I take it, from your superiors related to your performance as well; is that right? A. Correct. Q. I want to ask you about on this performance review, if you go down to "Goal Details." Do you see that. A. Yes. Q. Under b. it states, "Support litigation defense with necessary documents and information." Do you see that? A. Yes. Q. So part of your job as of late	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	this case; is that right? MR. ANDRISANI: Objection to form. THE WITNESS: A portion. BY MR. CARTMELL: Q. How much time or what percentage of your job duties have been related to working on this litigation behind the scenes? MR. ANDRISANI: Objection, form. THE WITNESS: My time spent on this has been minimal. BY MR. CARTMELL: Q. Okay. Well, as part of your midyear legal excuse me, strike that. As a part of your midyear review, it states one of two things here is that you are working on this case, correct? MR. ANDRISANI: Objection, form. THE WITNESS: It's not necessarily me. It could be somebody working for me. BY MR. CARTMELL:

	Page 53		Page 54
1	working on this litigation behind the scenes,	1	MR. ANDRISANI: Objection, form.
2	but you've asked somebody else to collect the	2	THE WITNESS: No.
3	materials for you; is that what you're saying?	3	BY MR. CARTMELL:
4	MR. ANDRISANI: Objection, form.	4	Q. Who has been; do you know?
5	THE WITNESS: It was part of my	5	MR. ANDRISANI: Objection.
6		6	THE WITNESS: I would say Joe
7	goals. BY MR. CARTMELL:	7	Tomkiewicz.
8		8	BY MR. CARTMELL:
	Q. Okay. And did you actually		
9	achieve your goals and work on this litigation	9	Q. Is that who you have actually
10	behind the scenes to collect documents and	10	asked to gather the information and documents?
11	provide information?	11	A. I have not asked.
12	MR. ANDRISANI: Objection, form.	12	Q. You mentioned previously that you
13	THE WITNESS: I have provided	13	may be asking some others to do that work for
14	information and documents.	14	you.
15	BY MR. CARTMELL:	15	Who have you asked to do the
16	Q. Who to?	16	work?
17	A. Several people.	17	A. If I asked somebody to do the
18	Q. Who are they?	18	work, it would have been Joe.
19	A. In-house legal, Adam.	19	Q. Okay. Have you ever asked him?
20	Q. Your attorneys?	20	A. I don't know that I have.
21	A. Yes.	21	Q. How many hours a week do you
22	Q. And have you been inside the	22	spend or does somebody at your direction spend,
23	company sort of the point person related to	23	let's say, for the last year on compiling
24	compliance for this litigation?	24	information and documents related to this
	compliance for this heighton.		information and documents related to this
	Page 55		Page 56
1	litigation?	1	is?
2	MR. ANDRISANI: Objection.	2	A. I do.
3	THE WITNESS: I don't know	3	Q. Senator McCaskill is from
4	exactly how many, but it was minimal.	4	Missouri; is that right?
5	BY MR. CARTMELL:	5	A. I don't know where she's from.
6	Q. How long has your goal been to	6	Q. Senator McCaskill has requested
7	support the litigation defense in this case	7	through a subpoena on behalf of a committee that
8	MR. ANDRISANI: Objection.	8	she serves on in the Senate to receive documents
	BY MR. CARTMELL:		
9		9	from Teva; is that correct?
10	Q as indicated let me start	10	MR. ANDRISANI: Objection, form.
11	over.	11	THE WITNESS: I think I saw the
12	How long has your goal been, as	12	letter.
13	indicated on your performance review, to support	13	MR. CARTMELL: Let me hand you
14	the litigation defense with necessary documents	14	Exhibit 4.
15	and information in this case?	15	(Document marked for
16	MR. ANDRISANI: Objection, form.	16	identification as McGinn Deposition
17	THE WITNESS: I don't remember	17	Exhibit No. 4.)
18	exactly when that was entered.	18	BY MR. CARTMELL:
19	BY MR. CARTMELL:	19	Q. Ms. McGinn, I'm going to actually
20	Q. Do you have an approximation of	20	hand you what's been marked as Exhibit 4.
21	how long you have been strike that.	21	And, just for the record, Exhibit
22	Do you recall that let me	22	4 actually is going to be an e-mail with
23	start over.	23	attachments to it that include the letter from
		1 1	
24	Do you know who Senator McCaskill	24	Claire McCaskill?

1	Page 57		Page 58
1	MR. ANDRISANI: Do you have the	1	one dated May 16th?
2	letter here?	2	MR. CARTMELL: Yeah, when we
3	MR. CARTMELL: I have a copy of	3	supplement the record
4	the letter here. What I would ask is	4	THE WITNESS: They're both dated
5	that we can display it. She's got a	5	
6	display right in front of it, and then	6	MR. CARTMELL: we'll put
7	we will supplement the record with a	7	everything that was on the document as
8	copy, if that's fair enough for you.	8	produced.
9	MR. ANDRISANI: That's fine. Can	9	MR. ANDRISANI: Perfect.
10	Ms. McGinn read the letter in hard copy?	10	BY MR. CARTMELL:
11	It's easier than on the screen.	11	Q. Ms. McGinn, I want to ask you
12	MR. CARTMELL: No problem, and	12	some questions about this Exhibit 4 that I've
13	I'll just get that back when she's done.	13	provided to you, but if you look, you'll see
14	MR. ANDRISANI: Sure.	14	that there's an e-mail from you to Michelle
15	(Witness reviews document.)	15	Osmian dated May 22nd, 2018; is that correct?
16	THE WITNESS: Is this another	16	A. Yes.
17		17	
18	copy of the same letter? BY MR. CARTMELL:	18	Q. And you're asking Ms. Osmian if she had seen the attachments which are letters
19		19	from Senator McCaskill, correct?
20	Q. There are two letters. I'm just	20	A. Yes.
21	going to ask you questions about the first	21	
	letter.	22	Q. Who is Ms. Osmian?
22	A. Okay.		A. Michelle works at Teva.
23	MR. ANDRISANI: That will be the	23	Q. What is her position?
24	one attached for the record, just the	24	A. I don't I don't know her
	Page 59		Dama 60
	1496 37		Page 60
1	title, but she's customer service.	1	take a bathroom break while we're doing
1 2		1 2	
	title, but she's customer service.		take a bathroom break while we're doing
2	title, but she's customer service. Q. Why is it that you would ask her	2	take a bathroom break while we're doing this.
2	title, but she's customer service. Q. Why is it that you would ask her if she had seen the letters that we're about to	2	take a bathroom break while we're doing this. MR. CARTMELL: You want to take a
2 3 4	title, but she's customer service. Q. Why is it that you would ask her if she had seen the letters that we're about to go over from Senator McCaskill?	2 3 4	take a bathroom break while we're doing this. MR. CARTMELL: You want to take a bathroom break.
2 3 4 5	title, but she's customer service. Q. Why is it that you would ask her if she had seen the letters that we're about to go over from Senator McCaskill? A. I was concerned about the DOD	2 3 4 5	take a bathroom break while we're doing this. MR. CARTMELL: You want to take a bathroom break. THE WITNESS: Is that okay?
2 3 4 5 6	title, but she's customer service. Q. Why is it that you would ask her if she had seen the letters that we're about to go over from Senator McCaskill? A. I was concerned about the DOD contracts.	2 3 4 5 6	take a bathroom break while we're doing this. MR. CARTMELL: You want to take a bathroom break. THE WITNESS: Is that okay? Sorry.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	title, but she's customer service. Q. Why is it that you would ask her if she had seen the letters that we're about to go over from Senator McCaskill? A. I was concerned about the DOD contracts. Q. Okay. And DOD is Department of Defense? A. Yes. Q. And at that time Teva had in place contracts with the Department of Defense to provide opioids; is that right? MR. ANDRISANI: Objection, form. THE WITNESS: That's what the letter stated. BY MR. CARTMELL: Q. And you knew that, correct? A. I did not. Q. Okay. Let's go ahead and go through the letter, and I want to ask you some questions.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	take a bathroom break while we're doing this. MR. CARTMELL: You want to take a bathroom break. THE WITNESS: Is that okay? Sorry. MR. ANDRISANI: Absolutely. MR. CARTMELL: Sure, that's okay. MR. ANDRISANI: It will give us a chance to put the letter up on the screen. MR. CARTMELL: Yeah, perfect. THE VIDEOGRAPHER: Off the record at 10:27. (Brief recess.) THE VIDEOGRAPHER: We are back on the record at 10:37. BY MR. CARTMELL: Q. Ms. McGinn, we're back on the record after a short break. Are you ready to proceed?
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	Page 61		Page 62
1	MR. ANDRISANI: Tom, may I put on	1	A. Yes.
2	the record what we discussed?	2	Q. For example, Actiq and Fentora,
3	MR. CARTMELL: Yes.	3	those types of products that Cephalon was
4	MR. ANDRISANI: Thank you very	4	selling when you worked there and the
5	much.	5	opioid-containing products that Teva has sold,
6	I had been objecting to form	6	when I have referred to opioids, you've
7	because of the phrasing of that Teva	7	understood that I have been referring to those
8	sells opioids and they sell products	8	types of products, fair?
9	that contain opioids or	9	A. Fair.
10	opioid-containing products. Instead of	10	Q. Okay. Before the break we were
11	objecting to form each time, Ms. McGinn	11	talking about a letter that Teva received and
12	understands what he's talking about, I	12	they have produced from their internal files in
13	understand what he's talking about, but	13	this case, and, actually, it came from your
14	we've agreed that that objection will	14	file, from Senator McCaskill to the Honorable
15	stand.	15	James Mattis, Secretary, Department of Defense,
16	MR. CARTMELL: Thank you.	16	and we're showing the jury a copy of that letter
17	MR. ANDRISANI: Thank you.	17	right now.
18	BY MR. CARTMELL:	18	Do you see that?
19	Q. And, actually, that's a very good	19	A. I do.
20	point by your counsel, Ms. McGinn. I want to	20	Q. Now, this was a letter that
21	make it clear that you have understood when I'm	21	somehow you read, it got to you; is that fair?
22	talking about opioids that I'm actually	22	A. Yes.
23	referring to opioid-containing products,	23	Q. Do you know how it got to you?
24	correct?	24	A. According to this e-mail, it came
	Page 63		Page 64
1	from Joe Tomkiewicz.	1	Q. You said you did that because you
1 2	Q. Joe Tomkiewicz, we'll talk about,	1 2	were concerned about the contracts Teva has with
	Q. Joe Tomkiewicz, we'll talk about, his deposition has been taken in this case. He		were concerned about the contracts Teva has with the Department of Defense, right?
2 3 4	Q. Joe Tomkiewicz, we'll talk about, his deposition has been taken in this case. He was actually the manager of suspicious order	2 3 4	were concerned about the contracts Teva has with the Department of Defense, right? A. Yes.
2 3	Q. Joe Tomkiewicz, we'll talk about, his deposition has been taken in this case. He was actually the manager of suspicious order monitoring in the DEA compliance department; is	2	were concerned about the contracts Teva has with the Department of Defense, right? A. Yes. Q. I want to go through this with
2 3 4	Q. Joe Tomkiewicz, we'll talk about, his deposition has been taken in this case. He was actually the manager of suspicious order monitoring in the DEA compliance department; is that fair?	2 3 4 5 6	were concerned about the contracts Teva has with the Department of Defense, right? A. Yes. Q. I want to go through this with you, and you can see that this is on letterhead
2 3 4 5	Q. Joe Tomkiewicz, we'll talk about, his deposition has been taken in this case. He was actually the manager of suspicious order monitoring in the DEA compliance department; is	2 3 4 5	were concerned about the contracts Teva has with the Department of Defense, right? A. Yes. Q. I want to go through this with
2 3 4 5 6	Q. Joe Tomkiewicz, we'll talk about, his deposition has been taken in this case. He was actually the manager of suspicious order monitoring in the DEA compliance department; is that fair?	2 3 4 5 6	were concerned about the contracts Teva has with the Department of Defense, right? A. Yes. Q. I want to go through this with you, and you can see that this is on letterhead from the United States Senate. It's dated May 16th, 2018.
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	Page 65		Page 66
1	A. Yes.	1	deeply concern shareholders,' Teva stated that a
2	Q. That's the na there's various	2	response could impact ongoing litigation and
3	Teva entities, I know, but that's the name of	3	chill the willingness of its customers to
4	your employer?	4	address opioid abuse."
5	MR. ANDRISANI: Objection, form.	5	Do you see that?
6	THE WITNESS: Yes.	6	A. Yes.
7	BY MR. CARTMELL:	7	Q. Now, we have established
8	Q. Okay, thank you.	8	previously that as a part of your duties from
9	It then goes on and states, "I	9	your performance review, one of those duties and
10	initiated an investigation into the role	10	goals that you've been involved in has been to
11	high-volume generic opioid manufacturers and	11	behind the scenes work on this litigation by
12	distributors have played in fueling the current	12	providing information and documents, correct?
13	public health crisis. Over the course of	13	MR. ANDRISANI: Objection, form.
14	several months, each of the distributors and two	14	THE WITNESS: On this litigation
15	of the manufacturers provided documents and	15	I have provided documents.
16	information in response to requests concerning	16	BY MR. CARTMELL:
17	their efforts to prevent opioid diversion.	17	Q. Okay. And information, I take
18	Teva, however, refused to provide information in	18	it?
19	response to my requests."	19	A. And information.
20	Do you see that?	20	Q. Okay. Now, when was it that you
21	A. I do.	21	first learned that Senator McCaskill on behalf
22	Q. "Despite correspondence in which	22	of the Committee on Homeland Security and
23	I noted that 'the company's decision to obstruct	23	Governmental Affairs was requesting information
24	basic oversight on the opioid epidemic should	24	from Teva about their efforts to prevent opioid
	Page 67		Page 68
	5		rage 00
1	diversion?	1	rephrase or restate what I'm trying to get at.
1 2		1 2	rephrase or restate what I'm trying to get at. Senator McCaskill is asking for
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Page 69 Page 70 1 ask you to gather this information for Senator 1 request for information about Teva's actions to 2 2 McCaskill? prevent opioid diversion? 3 3 MR. ANDRISANI: Objection to MR. ANDRISANI: Objection. THE WITNESS: I do not recall 4 4 form. 5 anyone asking me for information for 5 THE WITNESS: I'm not sure I 6 understand what you're asking. 6 this. 7 BY MR. CARTMELL: 7 BY MR. CARTMELL: 8 Q. Did anybody tell you that they 8 Q. Did you talk to anybody else 9 9 were going to refuse to provide this information other than your lawyers about this request from 10 Senator McCaskill about the actions your company because they were worried it could impact the 10 has taken to prevent opioid diversion? 11 ongoing litigation? 11 12 12 MR. ANDRISANI: Objection, form. MR. ANDRISANI: Objection, form 13 and to the extent that it asks for -- if 13 THE WITNESS: To gather the information or about the letter in 14 you spoke with lawyers about this, you 14 15 don't need to answer. 15 general? 16 THE WITNESS: I spoke with 16 BY MR. CARTMELL: 17 internal legal counsel about the 17 About the letter in general. 18 We probably talked about the 18 response --19 19 letter in general. MR. ANDRISANI: I'm going to ask 20 Q. What do you recall? 2.0 you not to say any more. 21 BY MR. CARTMELL: 21 MR. ANDRISANI: Objection. 22 Q. Other than speaking to internal 22 THE WITNESS: I don't recall 23 counsel about this, did you talk to anybody else 23 specifics. 24 at the company related to Senator McCaskill's 24 BY MR. CARTMELL: Page 71 Page 72 1 1 Do you recall anything general? Teva? Q. 2 2 MR. ANDRISANI: Objection, form. A. No, I don't. 3 3 THE WITNESS: Because they're the It goes on to state, "Teva's 4 refusal to cooperate with Congressional requests 4 face of the customer, which in this case 5 5 strongly suggests they have something to hide. is DOD. BY MR. CARTMELL: 6 I'd hope that everyone involved or associated 6 7 7 with the company takes note that they're dealing O. So the customer service 8 with an entity that's stonewalling a Senate 8 department -- if I understand what you're 9 9 investigation examining a national public health saying, the customer service department would be 10 crisis." 10 sort of the sales team who would interact with 11 11 the Department of Defense about the sales of the Do you see that? 12 A. Yes. 12 opioids to the Department of Defense? 13 You stated before that you were 13 A. I wouldn't say they were part of 14 concerned about the contracts between Teva and 14 the sales team, but they would receive the the Department of Defense. orders and process them. 15 15 Do you see that? 16 16 Q. Well, customer service involves 17 Yes. 17 A. sales, correct? 18 Was that why you were concerned? 18 MR. ANDRISANI: Objection, form. Q. 19 No. That was why I forwarded it 19 THE WITNESS: They're two A. 20 to customer service. 20 different departments. There's sales 21 Why would customer service have 21 and then there's customer service. 22 something to do with this response or have 22 Salespeople go out and meet the 23 something to do with a concern about the 23 customers. Customer service processes 24 contracts between the Department of Defense and 24 the orders, handles any interaction with

Page 73 Page 74 1 them after that. 1 contract between the Department of Defense and 2 2 BY MR. CARTMELL: Teva related to opioid-containing products? 3 3 A. I don't know. Q. Related to future sales, correct? 4 A. I don't know what customer 4 Q. It states, "As the Federal 5 service does exactly. I don't know if they 5 Acquisition Regulation states, federal talked to them about future sales. 6 contractors must 'promote an organizational 6 7 Q. Do you know if customer service 7 culture that encourages ethical conduct and a 8 has -- strike that. 8 commitment to compliance with the law." 9 Do you know if the customer 9 Do you see that? 10 10 service department would be considered part of A. Yes. Teva that's involved with sales with the Q. Do you agree with that? 11 11 12 12 MR. ANDRISANI: Objection, form. customers or not? 13 MR. ANDRISANI: Objection, form. 13 THE WITNESS: I don't know what 14 THE WITNESS: They would process 14 the Federal Acquisition Regulation 15 15 states. I've never read it. the sales. 16 BY MR. CARTMELL: 16 BY MR. CARTMELL: 17 Q. Okay. And so the if you turn to 17 Q. Okay. But do you agree with the 18 the next page it states, "I urge you to consider 18 concept or what's stated that Teva must promote 19 whether Teva's refusal to comply with my 19 an organizational culture that encouraging 20 20 ethical conduct and a commitment to compliance requests affects Teva's present responsibility 21 as a government contractor." 21 with the law? 22 Do you see that? 22 MR. ANDRISANI: Objection, form. 23 A. Yes. 23 THE WITNESS: I would hope that 24 What do you know about the 24 we're working with an ethical company Q. Page 75 Page 76 and that's part of our culture with a 1 1 opioid diversion prevention; is that right? 2 commitment to compliance. 2 A. That's --3 BY MR. CARTMELL: 3 MR. ANDRISANI: Objection, form. 4 Right. You're an expert in 4 THE WITNESS: That's what it 5 5 compliance, correct? says. 6 6 BY MR. CARTMELL: A. Yes. 7 7 That's something you strive for, Q. And do you know if, in fact, any Q. 8 right? 8 of the information that Senator McCaskill on 9 I do. 9 behalf of this Senate committee asked for was A. 10 It states, "At the very least, 10 ever provided? 11 the actions of Teva during my investigation -11 MR. ANDRISANI: Objection, form. 12 which has focused on one of the most pressing 12 THE WITNESS: I don't recall. 13 public health issues in the United States -13 BY MR. CARTMELL: 14 should prompt a close look at existing financial 14 Q. But it says that other 15 relationships between the company and the distributors and manufacturers of 15 16 federal government." 16 pharmaceuticals did provide information. 17 Do you see that? 17 Do you see that? Yes. 18 A. 18 A. I saw that. 19 Q. So it looks like from this 19 Did you ever talk to any of the 20 letter, Senator McCaskill was putting the 20 other manufacturers or distributors of 21 Department of Defense on notice that Teva, the 21 pharmaceuticals to ask whether or not they 22 22 company employing you as their DEA compliance thought it was appropriate to provide this sort 23 director, was not providing information that had 23 of information about preventing opioid 24 been requested by Senator McCaskill related to 24 diversion?

1	Page 77		Page 78
1 1	A. I don't recall. I don't	1	Q. That's the New Jersey
2	remember.	2	pharmaceutical group?
3	Q. Did you ever talk to any other	3	A. That's correct.
4	representatives from other opioid-containing	4	Q. I've also seen some indication in
5	product distributors or manufacturers about	5	your files of other groups that you work with
6	Senator McCaskill's request?	6	that have representatives of multiple different
7	A. We probably discussed it.	7	pharmaceutical companies. Tell me some names of
8	Q. You're a member of a lot of	8	others.
9	groups or organizations that include	9	MR. ANDRISANI: Objection, form.
10	representatives from many different	10	THE WITNESS: Yeah, I can't
11	pharmaceutical companies and pharmaceutical	11	remember. There was another group that
12	distributors; is that fair?	12	Actavis was a part of before we acquired
13	A. Yes.	13	them that I was invited to join, and I
14	O. What are some of the	14	believe it was the ADWIG that you're
15	organizations or groups that you're a member of?	15	talking about, but I don't remember what
16	A. The New Jersey Pharmaceutical	16	it stands for.
17	Industry Group.	17	BY MR. CARTMELL:
		18	
18 19	Q. I saw that in the documents, that's one.	19	Q. I think it's A-D-W-I-G; is that right?
20	What is is it called AWIG or	20	A. I think so.
21	ADWIG?	21	
22		22	Q. But you don't remember what that stands for?
	A. No. It's actually worse. NJPIG.		
23	Q. NJPIG.	23	A. No, I came in late and only
24	A. Yeah.	24	attended a few meetings with that group.
	Page 79		Page 80
1	Q. Some of these groups that you're	1	THE WITNESS: No.
2	a member of or actually are involved in lobbying	2	BY MR. CARTMELL:
3	federal regulators like the DEA or the FDA on	3	Q. Okay. We'll talk about that in a
4	behalf of opioid manufacturers and distributors;	4	little while.
5	is that correct?	5	The distance A of the control of the
		1 -	I'm interested, do you know with
6	MR. ANDRISANI: Objection, form.	6	respect to Senator McCaskill's letter whether or
6 7	MR. ANDRISANI: Objection, form. THE WITNESS: I don't know that.		-
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7	THE WITNESS: I don't know that.	6 7	respect to Senator McCaskill's letter whether or not the same lawyers that are representing you
7 8	THE WITNESS: I don't know that. BY MR. CARTMELL:	6 7 8	respect to Senator McCaskill's letter whether or not the same lawyers that are representing you in this case represented Teva related to the
7 8 9	THE WITNESS: I don't know that. BY MR. CARTMELL: Q. Okay. Sometimes you know that	6 7 8 9	respect to Senator McCaskill's letter whether or not the same lawyers that are representing you in this case represented Teva related to the request for documents and information from
7 8 9 10	THE WITNESS: I don't know that. BY MR. CARTMELL: Q. Okay. Sometimes you know that there are organizations of pharmaceutical	6 7 8 9	respect to Senator McCaskill's letter whether or not the same lawyers that are representing you in this case represented Teva related to the request for documents and information from Senator McCaskill?
7 8 9 10 11	THE WITNESS: I don't know that. BY MR. CARTMELL: Q. Okay. Sometimes you know that there are organizations of pharmaceutical representatives from manufacturers and	6 7 8 9 10 11	respect to Senator McCaskill's letter whether or not the same lawyers that are representing you in this case represented Teva related to the request for documents and information from Senator McCaskill? MR. ANDRISANI: Objection, form.
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	Page 81		Page 82
1	Q. When was it that you first became	1	Q. Okay. The date of this is
2	involved with DEA compliance?	2	October 14th, 2005; is that right?
3	A. I would say it was around 1998.	3	A. Yes.
4	Q. I'm going to hand you what's been	4	Q. So this has been a long time ago,
5	marked as Exhibit 5.	5	13 years ago, and it states, "My title is
6	(Document marked for	6	controlled substances manager. I wouldn't say I
7	identification as McGinn Deposition	7	was important, only when there's a problem. I
8	Exhibit No. 5.)	8	happened to find a little niche in the
9	BY MR. CARTMELL:	9	pharmaceutical industry that not a lot of people
10	Q. I just have a few questions about	10	know about or want to get involved in."
11	Exhibit 5.	11	What do you mean by that?
12	This is actually an e-mail string	12	MR. ANDRISANI: Objection.
13	that was produced from your files in this	13	THE WITNESS: There what I meant
14	litigation, and I'm just going to ask you	14	was that there's not a lot of people
15	quickly about the e-mail from you on the top	15	that do DEA compliance.
16	that's dated October 14th of 2005.	16	BY MR. CARTMELL:
17	A. (Witness reviews document.)	17	Q. Not a lot of people that have
18	Q. As you can see, Ms. McGinn, the	18	expertise in that area?
19	top e-mail is from you to someone named Tom	19	A. Yes.
20	Marvel.	20	Q. You then state, "DEA is a little
21	Who is that?	21	scary and people just don't want to deal with
22	A. That is my aunt's husband.	22	it."
23	Q. So your uncle?	23	What do you mean by that?
24	A. Yeah, I guess by law, yes.	24	MR. ANDRISANI: Objection.
	Page 83		Page 84
1	THE WITNESS. Dec. 1. dec. 14		
	THE WITNESS: People don't want	1	that fair?
2	THE WITNESS: People don't want to get generally involved with DEA.	1 2	
2	to get generally involved with DEA. BY MR. CARTMELL:		
	to get generally involved with DEA. BY MR. CARTMELL:	2	A. I have seen a lot of things and
3	to get generally involved with DEA. BY MR. CARTMELL:	2 3	A. I have seen a lot of things and dealt with a lot of things in 13 years, yes.
3 4	to get generally involved with DEA. BY MR. CARTMELL: Q. "I've been doing it for so long	2 3 4	A. I have seen a lot of things and dealt with a lot of things in 13 years, yes. Q. And fair to say that at Teva, for
3 4 5	to get generally involved with DEA. BY MR. CARTMELL: Q. "I've been doing it for so long that I've seen and heard almost everything there	2 3 4 5	A. I have seen a lot of things and dealt with a lot of things in 13 years, yes. Q. And fair to say that at Teva, for example, or Cephalon, you know as much or more
3 4 5 6	to get generally involved with DEA. BY MR. CARTMELL: Q. "I've been doing it for so long that I've seen and heard almost everything there is with DEA regulations and I try to predict how	2 3 4 5 6	A. I have seen a lot of things and dealt with a lot of things in 13 years, yes. Q. And fair to say that at Teva, for example, or Cephalon, you know as much or more than anybody about DEA compliance?
3 4 5 6 7	to get generally involved with DEA. BY MR. CARTMELL: Q. "I've been doing it for so long that I've seen and heard almost everything there is with DEA regulations and I try to predict how they're going to react to certain situations."	2 3 4 5 6 7	A. I have seen a lot of things and dealt with a lot of things in 13 years, yes. Q. And fair to say that at Teva, for example, or Cephalon, you know as much or more than anybody about DEA compliance? MR. ANDRISANI: Objection, form.
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to get generally involved with DEA. BY MR. CARTMELL: Q. "I've been doing it for so long that I've seen and heard almost everything there is with DEA regulations and I try to predict how they're going to react to certain situations." Now, this is in 2005, and you're basically saying you know everything about the DEA regulations back then, correct? MR. ANDRISANI: Objection. THE WITNESS: No. BY MR. CARTMELL: Q. And I don't want to put words in your mouth, but you say "I've seen and heard almost everything there is with DEA regulations," correct? MR. ANDRISANI: Objection, form. THE WITNESS: Almost everything. BY MR. CARTMELL: Q. Almost everything, okay. So since 2005, in the last 13	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I have seen a lot of things and dealt with a lot of things in 13 years, yes. Q. And fair to say that at Teva, for example, or Cephalon, you know as much or more than anybody about DEA compliance? MR. ANDRISANI: Objection, form. THE WITNESS: Yes. BY MR. CARTMELL: Q. You state that, I try to predict how DEA is going to react to certain situations. What do you mean by that? MR. ANDRISANI: Objection, form. THE WITNESS: It means that we're trying to adjust our business to the changing regulations. BY MR. CARTMELL: Q. Okay. The reason I had that question is, in this case, the regulations that we're going to deal with related to, for example, suspicious order monitoring programs or safeguards to prevent the diversion of

Page 85 Page 86 1 since the 1970s, correct? 1 distributing those have to have adequate 2 MR. ANDRISANI: Objection. 2 safeguards in place to prevent the diversion of 3 those controlled substances, that law has been 3 THE WITNESS: Correct. 4 BY MR. CARTMELL: 4 the same since the '70s, correct? 5 5 Q. So there really hasn't been any MR. ANDRISANI: Objection to 6 changing regulations, so to speak, related to 6 form. 7 the suspicious order monitoring program or just 7 THE WITNESS: That's not the 8 the idea that Teva and Cephalon had to have in 8 exact wording of the law but --9 9 place at all time safeguards against the BY MR. CARTMELL: 10 10 diversion of opioids; is that fair? Q. Pretty close? It has not changed. 11 MR. ANDRISANI: Objection to 11 Q. Okay. You say "it's fun." 12 form. 12 13 What do you mean by that, it's THE WITNESS: I want to clarify 13 fun, to try to predict what the DEA is going to 14 14 that the regulation itself has not 15 changed, although the way that DEA 15 insinuates what we're supposed to do has 16 16 A. What I --17 changed. 17 MR. ANDRISANI: Objection, form. THE WITNESS: What I meant by 18 BY MR. CARTMELL: 18 19 Q. And we'll talk more about that, 19 that is that I enjoyed my job. 20 BY MR. CARTMELL: 20 but I think I want to make it clear for the 21 record. 21 Q. Okay. Now, when you say you're 22 22 trying to predict what they're going to do, does The law on the books that says 23 that Teva and Cephalon and pharmaceutical 23 that mean as the DEA compliance officer for manufacturers of controlled substances who are 24 24 these pharmaceutical companies, that your focus Page 87 Page 88 MR. ANDRISANI: Objection, form. is on whether or not the DEA is going to enforce 1 1 2 the law versus actually making sure you're 2 THE WITNESS: Yes. 3 following the law? 3 BY MR. CARTMELL: 4 MR. ANDRISANI: Objection, form. 4 Q. And, for example, Teva expects 5 THE WITNESS: No. 5 you to spend time with the DEA representatives б BY MR. CARTMELL: б and get to know them, correct? 7 Q. In other words, you would agree 7 MR. ANDRISANI: Objection, form. 8 with me, wouldn't you, that regardless of 8 THE WITNESS: I don't know that 9 whether or not DEA is going to enforce the law, 9 Teva expects that. 10 you need to make sure that your company is in 10 (Document marked for 11 compliance with the law, fair? 11 identification as McGinn Deposition 12 A. I am going to do -- my job is to 12 Exhibit No. 6.) 13 make sure that we did everything we could to 13 BY MR. CARTMELL: 14 make sure that we were in compliance with the 14 Q. I've handed you what's been 15 marked as Exhibit 6, and I will tell you that 15 law. 16 Q. And trying to predict whether or this was produced from Teva's files. This is 16 17 not they're going to enforce things or what 17 another performance review for you from Teva they're going to do, do you feel like that's that is 2014 period of time. 18 18 19 also part of your job? 19 Do you see that? 20 20 A. Not whether they're going to A. Yeah, it was for the 2014 year. 21 enforce it, but how they interpret things maybe. 21 Q. Okay. And if you go to page 8 of 22 Q. Now, part of your job as the DEA 22 10, I want to ask you a few questions about 23 compliance director is to establish a 23 this. 24 relationship with the DEA, correct? 24 MR. ANDRISANI: First, let her go

Page 90 Page 89 1 through the document. 1 Q. If you look in the middle of the 2 MR. CARTMELL: There's honestly 2 page under "Manager comments" it states, 3 3 "Colleen works very effectively with the DEA really no reason to look at the first seven pages because I'm just -- they 4 during inspections and has often influenced the 5 have nothing to do with what I'm going 5 outcomes in our favor." to ask about. I'm just going to ask 6 Do you see that? 6 7 specifically about her comments on page 7 I do. 8 8 Now, we're going to talk a lot 9 about the DEA today and some about inspections. 9 (Witness reviews document.) 10 10 Is it true that one of the things BY MR. CARTMELL: that DEA does is they will come to your 11 Q. Ms. McGinn, so I want to ask you 11 12 about your performance review here, and, again, facilities from time to time and do inspections? 12 13 this is a review where you as an employee are 13 A. 14 able to give input and state the things, for 14 To make sure that your 15 example, during the year 2014 that you thought 15 facilities, and I'm talking about with respect 16 were valuable to the company, correct? 16 to opioids or controlled substances, are in 17 A. Yes. 17 compliance? 18 18 A. Yes. Q. And, for example, if you go to --19 strike that. 19 Q. And one of the issues you have as 20 20 the DEA compliance director is that oftentimes And, also, your manager, for 21 instance, who is doing the performance 21 those audits by the DEA will be unannounced 22 evaluating and evaluating you as an employee 22 before, for example, correct? 23 will give their comments, right? 23 A. Yes. 24 24 A. Correct. And so you got to be ready Page 91 Page 92 1 because the DEA may come into your facility and 1 that's a little different than my 2 2 you got to be prepared, fair? question. 3 Yes. 3 BY MR. CARTMELL: A. 4 Q. Okay. And it's a real advantage 4 Q. One of the things that you try to 5 to the company if you can figure out when 5 do as the DEA compliance director at Teva is try 6 they're coming before they come, isn't it? 6 to influence the DEA's findings, for example, 7 7 MR. ANDRISANI: Objection to correct? 8 form. 8 A. The only influence I would have 9 THE WITNESS: It's more of an 9 is to understand what they're asking for and 10 advantage to know when they're coming 10 what they're looking for and provide it in a 11 than to not know. That does not 11 timely manner. The inspection is based on 12 normally give us time to recreate 12 records and reports. 13 records over a period of two years. 13 Q. Below this manager comment 14 BY MR. CARTMELL: 14 talking about you influencing the outcomes in 15 15 our favor -- strike that. Q. I understand. 16 One of the things that you 16 What do you think your manager 17 envision your job to entail, I take it, is that 17 means by you are able to influence the outcomes in your favor when the DEA comes to your 18 you try to influence the DEA's decisions, right? 18 19 MR. ANDRISANI: Objection, form. 19 facilities? 20 THE WITNESS: I don't know that I 20 MR. ANDRISANI: Objection to 21 can influence what's written on DEA 21 form. 22 records and reports. 22 THE WITNESS: I'm not sure what 23 MR. CARTMELL: I'm going to 23 she meant. You'd have to ask her. 24 object and move to strike. I think 24 BY MR. CARTMELL:

	Page 93		Page 94
1	Q. Do you think that's true, though,	1	MR. ANDRISANI: Objection, form.
2	that you are able to influence the outcomes in	2	THE WITNESS: I think doing this
3	your favor, in Teva's favor?	3	job as long as I have and meeting so
4	A. I'm able to effectively manage a	4	many DEA investigators through
5	DEA inspection.	5	inspections and passing them without
6	•	6	issue adds to reputation, and if you
7	Q. Okay. But by influencing the DEA?	7	want to call that influence, that's fine
8		8	
			too, but, you know, it's basically
9	what she means by that.	9	having a reputation for handling DEA
10	Q. If you go down to "Employee	10	compliance correctly.
11	comments," these are your comments, correct?	11	BY MR. CARTMELL:
12	A. Mm-hmm.	12	Q. Okay. But those are your words;
13	Q. It states, "We were also able to	13	you called it influencing, correct?
14	influence DEA during several inspections this	14	A. Right.
15	year by leveraging my industry experience and	15	Q. And you called it leveraging,
16	reputation."	16	true, too, correct?
17	Do you see that?	17	A. That's what it says.
18	A. Yes.	18	Q. If you go down it states, Our
19	Q. So is that part of your job at	19	relationship with the Philadelphia DEA office
20	Teva is your seniors want you out there trying	20	allowed us to gain knowledge about upcoming
21	to increase your reputation and your	21	inspections at other sites prior to serving
22	relationships in the industry and with the DEA	22	notice.
23	representatives so that you can influence	23	Do you see that?
24	outcomes?	24	A. Yes.
	Page 95		Page 96
1	Q. And so what you're telling your	1	relationship, and when I say "ours,"
2	superiors is that you're valuable to the company	2	it's the group.
3	because you have such a good reputation and such	3	BY MR. CARTMELL:
4	a good relationship with DEA officers that you	4	Q. Meaning Teva as a whole?
5	can find out about unannounced audits before	5	A. Meaning DEA compliance people at
6	they happen, correct?	6	Teva.
7	MR. ANDRISANI: Objection to	7	Q. And then you state, "This advance
8	form.	8	knowledge allowed us to better prepare the sites
9	THE WITNESS: On certain	9	and concentrate efforts."
10	occasions, and this was not me that they	10	Do you see that?
11	called to say that was coming. This was	11	A. Yes.
12	an employee that worked for me, and they	12	Q. And that's part of the advantage,
13	wanted to make sure that he was going to	13	right, of getting early knowledge because of
14	be there in the upcoming days of the	14	your relationship with DEA is you can prepare
15	inspection.	15	better for these audits when they come; you can
16	BY MR. CARTMELL:	16	prepare your facility better, correct?
17	Q. Okay. But this talks about two	17	A. We can make sure that someone is
18	sites, SV and NW, that because of your	18	going to be at the site and have records
19	reputation and your relationship with this DEA	19	prepared if we have enough time.
20	representatives, you were able to find out about	20	Q. Well, you can also prepare to
21	these audits that were supposed to be	21	make sure that everything is in order so that
22	unannounced early, correct?	22	you might not get citations, for example?
23	MR. ANDRISANI: Objection, form.	23	A. We could.
		24	
2.4	THE WITNESS: What if cave ic our	1 24	1) So Wollid Voll agree with me and I
24	THE WITNESS: What it says is our	24	Q. So would you agree with me, and I

Page 97 Page 98 1 think you said, regardless of your relationship 1 epidemic? with DEA offices or your reputation, your job as 2 2 A. Yes. 3 the DEA compliance director at Teva is to make 3 Q. And I take it you, like most of sure that Teva is following the law, fair? 4 4 us, have had personal effects in your families 5 5 or friends as a result of the epidemic? A. Yes. 6 And the law is the law related to 6 O. A. 7 suspicious order monitoring that's been on the 7 Q. How has the opioid epidemic 8 books since the '70s, correct? 8 personally affected you? 9 MR. ANDRISANI: Objection, form. 9 A. Are you looking for examples? THE WITNESS: That regulation has 10 10 Q. 11 been in place since the '70s. So, I mean, I've had a couple of 11 12 BY MR. CARTMELL: 12 friends' children, teenage children die, a 13 Q. You would agree that you wouldn't 13 cousin has died. want to try to leverage your relationship or 14 14 Q. I'm sorry about that, but I take 15 influence the DEA to not cite you or follow the 15 it that personal experience from that has 16 law if, in fact, your company was not actually influenced you as a DEA director, I take it? 16 17 following the law, fair? 17 A. Yes. 18 MR. ANDRISANI: Objection to 18 Q. Now, would you agree with me that 19 19 we have in our country widespread occurrence of form. 20 THE WITNESS: I don't have that 20 addiction to opioid prescription pain pills? 21 kind of influence. 21 A. Yes. 22 BY MR. CARTMELL: 22 Q. And would you agree that it's a 23 Q. Okay. Would you agree with me, 23 public health emergency in our country? 24 Ms. McGinn, that there is currently an opioid 24 MR. ANDRISANI: Objection, form. Page 99 Page 100 THE WITNESS: I've heard it worked there and sold by lots of other 1 1 2 called that. 2 pharmaceutical companies, those prescription 3 BY MR. CARTMELL: 3 drugs have led to massive numbers of overdoses. 4 Would you agree with that? 4 Would you agree with that? 5 A. 5 MR. ANDRISANI: Objection, form. THE WITNESS: They have led to 6 Q. And that public health emergency 6 7 has been in existence for some time, correct? 7 overdose. 8 MR. ANDRISANI: Objection, form. 8 BY MR. CARTMELL: 9 THE WITNESS: Yes. 9 Q. Do you agree that they have led 10 BY MR. CARTMELL: 10 to massive numbers of hospitalizations? 11 Q. The prescription pain pills like 11 MR. ANDRISANI: Objection, form. 12 opioid-containing pain pills that Teva and 12 THE WITNESS: Yes. Cephalon, the companies that you have worked for 13 13 BY MR. CARTMELL: have been selling have led to massive numbers, Q. Would you agree that they have 14 14 led to massive numbers or very large numbers of 15 for example, of overdoses during the last ten 15 16 years, agree? deaths over the last 10 or 15 years? 16 17 MR. ANDRISANI: Objection, form. 17 MR. ANDRISANI: Objection, form. THE WITNESS: I don't know how 18 18 THE WITNESS: Yes. 19 many were directly related to Teva 19 BY MR. CARTMELL: 20 products. 20 Q. And would you agree that because 21 BY MR. CARTMELL: 21 of that or these prescription opioid sales and 22 Q. I understand, but, in general, 22 abuse and diversion that there has been massive 23 prescription opioid-containing products that are 23 costs to communities as a result? 24 sold by Teva, that are sold by Cephalon when you 24 MR. ANDRISANI: Objection to

	Page 101		Page 102
1	form.	1	A. Yes.
2	THE WITNESS: I've read it. I	2	Q. Including articles and
3	don't know that personally, but I've	3	publications relating to the rising numbers of
4	seen that.	4	hospitalizations or deaths or overdoses,
5	BY MR. CARTMELL:	5	correct?
6	Q. Do you agree that it's likely	6	A. Yes.
7	true?	7	Q. And including also publications
8	MR. ANDRISANI: Objection, form.	8	and articles that have to do with the increasing
9	THE WITNESS: I'd have to assume	9	numbers of actions or enforcement actions the
10	SO.	10	DEA has brought against distributors of opioid
11	BY MR. CARTMELL:	11	pharmaceuticals and manufacturers and
12	Q. And strike that.	12	pharmacies; fair to say?
13	I want to show you a graph that	13	A. Yes.
14	I'm certain you're familiar with, Exhibit 7.	14	Q. Okay. I take it you are familiar
15	(Document marked for	15	with this graph on Exhibit 7?
16	identification as McGinn Deposition	16	A. It looks familiar.
17	Exhibit No. 7.)	17	Q. This is the source of this is
18	BY MR. CARTMELL:	18	from the National Vital Statistics System, Drug
19	Q. Let me ask you, before I ask you	19	Enforcement Administration.
20	about this, Ms. McGinn, one of the things you do	20	Do you see that?
21	as the DEA compliance director at Teva and	21	A. Yes.
22	before that working in compliance at Cephalon is	22	Q. And is that an organization that
23	you try to keep up on articles and publications	23	you're familiar with?
24	related to opioids; is that fair?	24	A. DEA, yes.
	Page 103		Page 104
1	Q. Okay. Now, if you look at this	1	THE WITNESS: Yes.
1 2	graph, it includes the blue line "prescription	1 2	
	graph, it includes the blue line "prescription painkiller sales," as you can see, since before		THE WITNESS: Yes. BY MR. CARTMELL: Q. And Teva, for instance, where you
2	graph, it includes the blue line "prescription painkiller sales," as you can see, since before 2000 until 2012 where this ends, there is a	2	THE WITNESS: Yes. BY MR. CARTMELL: Q. And Teva, for instance, where you are the DEA compliance director is, as we've
2 3	graph, it includes the blue line "prescription painkiller sales," as you can see, since before	2 3	THE WITNESS: Yes. BY MR. CARTMELL: Q. And Teva, for instance, where you
2 3 4	graph, it includes the blue line "prescription painkiller sales," as you can see, since before 2000 until 2012 where this ends, there is a rising number of sales of opioid prescriptions during that time.	2 3 4	THE WITNESS: Yes. BY MR. CARTMELL: Q. And Teva, for instance, where you are the DEA compliance director is, as we've discussed, a very high volume manufacturer and seller of opioids in this country, correct?
2 3 4 5	graph, it includes the blue line "prescription painkiller sales," as you can see, since before 2000 until 2012 where this ends, there is a rising number of sales of opioid prescriptions	2 3 4 5	THE WITNESS: Yes. BY MR. CARTMELL: Q. And Teva, for instance, where you are the DEA compliance director is, as we've discussed, a very high volume manufacturer and
2 3 4 5 6	graph, it includes the blue line "prescription painkiller sales," as you can see, since before 2000 until 2012 where this ends, there is a rising number of sales of opioid prescriptions during that time. Do you see that? A. Yes.	2 3 4 5 6	THE WITNESS: Yes. BY MR. CARTMELL: Q. And Teva, for instance, where you are the DEA compliance director is, as we've discussed, a very high volume manufacturer and seller of opioids in this country, correct? MR. ANDRISANI: Objection to form.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	graph, it includes the blue line "prescription painkiller sales," as you can see, since before 2000 until 2012 where this ends, there is a rising number of sales of opioid prescriptions during that time. Do you see that? A. Yes. Q. And also there's an orange line that talks about prescription painkiller deaths per 100,000 people, and that is a rising line of deaths from 200 or excuse me 2000 to 2012 as well. Do you see that? A. Yes. Q. And it looks like basically this graph is demonstrating that with the rising prescription opioid sales in America, there's been a rising death rate as well. Do you see that? A. Yes. Q. And is that consistent with your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: Yes. BY MR. CARTMELL: Q. And Teva, for instance, where you are the DEA compliance director is, as we've discussed, a very high volume manufacturer and seller of opioids in this country, correct? MR. ANDRISANI: Objection to form. THE WITNESS: We manufacture products containing opioids, yes. BY MR. CARTMELL: Q. At a very high volume, correct? MR. ANDRISANI: Objection, form. THE WITNESS: I don't know what it is compared to everybody else. (Document marked for identification as McGinn Deposition Exhibit No. 8.) BY MR. CARTMELL: Q. Okay. Let me show you what's been marked as Exhibit 8, which is a document that was produced from Teva's files in this

	Page 105		Page 106
1	You'll see that the first page of	1	be for 30 or 60 or 90 or more pills, correct?
2	Exhibit 8 is titled "Teva Opioid Market Share	2	MR. ANDRISANI: Objection to
3	Calculation: All Opioids."	3	form.
4	Do you see that?	4	THE WITNESS: Yes.
5	A. Yes.	5	BY MR. CARTMELL:
6	Q. So when your company, Teva, is	6	Q. So is it fair to say that during
7	talking about opioid-containing products,	7	this period of time, five years at least, Teva,
8	oftentimes they will call them opioids as well;	8	as far as numbers of opioid prescriptions, is
9	is that fair?	9	well well, it's much more than, for example,
10	A. Yes.	10	50 million scripts, correct?
11	Q. And the first line, "Teva opioid	11	MR. ANDRISANI: Objection.
12	script volume," is your understanding that a	12	THE WITNESS: Much more than
13	script is a prescription?	13	50 million scripts? I don't think I
14	A. Yes.	14	understand where you're going.
15	Q. And you'll see that as you go	15	BY MR. CARTMELL:
16	across from 2012 to 2016, there are totals of	16	Q. Well, I'm just saying if you
17	the numbers of scripts, for example, 12,950,466	17	totaled those up, we know that we're that
18	in 2012, pretty steady until 2015 and it goes up	18	Teva during that period of time from 2012 to
19	to 15,176,735. And then in 2016, 30,897,678	19	2016 had an increasing number of opioid
20	prescriptions of opioids.	20	prescriptions as far as share of the market, and
21	Do you see that?	21	it was well in excess of, for example,
22	A. Yes.	22	60 million prescriptions of opioids.
23	Q. And I take it you know from your	23	Do you see that?
24	experience that one prescription for opioids can	24	A. Yes.
	Page 107		Page 108
1	Q. Okay. And we know because every	1	Teva then became more high volume related to
2	prescription could be 60 or 90 pills or more, as	2	manufacturing and selling generic opioids, fair?
3	far as the number of actual opioid pills that	3	MR. ANDRISANI: Objection, form.
4	Teva has put out on the market in prescriptions	4	THE WITNESS: Yeah, according to
5	in that period of time could be hundreds of	5	this, at that point in time, they would
6	millions of pills, correct?	6	
			have had 14% of the total market or
7	MR. ANDRISANI: Objection, form.	7	total scripts.
8	THE WITNESS: I don't know how	8	total scripts. BY MR. CARTMELL:
8 9	THE WITNESS: I don't know how many pills they are. What I see here	8	total scripts. BY MR. CARTMELL: Q. Okay. And I was just going to
8 9 10	THE WITNESS: I don't know how many pills they are. What I see here is, you know, the increase in 2016	8 9 10	total scripts. BY MR. CARTMELL: Q. Okay. And I was just going to get to that.
8 9 10 11	THE WITNESS: I don't know how many pills they are. What I see here is, you know, the increase in 2016 likely due to the Actavis integration	8 9 10 11	total scripts. BY MR. CARTMELL: Q. Okay. And I was just going to get to that. So this actually tells us that as
8 9 10 11 12	THE WITNESS: I don't know how many pills they are. What I see here is, you know, the increase in 2016 likely due to the Actavis integration and taking on those products.	8 9 10 11 12	total scripts. BY MR. CARTMELL: Q. Okay. And I was just going to get to that. So this actually tells us that as of 2016, we don't know about 2017 or '18, Teva
8 9 10 11 12 13	THE WITNESS: I don't know how many pills they are. What I see here is, you know, the increase in 2016 likely due to the Actavis integration and taking on those products. BY MR. CARTMELL:	8 9 10 11 12 13	total scripts. BY MR. CARTMELL: Q. Okay. And I was just going to get to that. So this actually tells us that as of 2016, we don't know about 2017 or '18, Teva had 14% of the share that was being sold of the
8 9 10 11 12 13 14	THE WITNESS: I don't know how many pills they are. What I see here is, you know, the increase in 2016 likely due to the Actavis integration and taking on those products. BY MR. CARTMELL: Q. Right. In 2016	8 9 10 11 12 13 14	total scripts. BY MR. CARTMELL: Q. Okay. And I was just going to get to that. So this actually tells us that as of 2016, we don't know about 2017 or '18, Teva had 14% of the share that was being sold of the scripts of opioids in America, correct?
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8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: I don't know how many pills they are. What I see here is, you know, the increase in 2016 likely due to the Actavis integration and taking on those products. BY MR. CARTMELL: Q. Right. In 2016 A. Yes. Q there was another acquisition by Teva of a pharmaceutical company called Actavis; is that right? A. Yes. Q. And Actavis was also a manufacturer and seller of opioid-containing	8 9 10 11 12 13 14 15 16 17 18 19 20 21	total scripts. BY MR. CARTMELL: Q. Okay. And I was just going to get to that. So this actually tells us that as of 2016, we don't know about 2017 or '18, Teva had 14% of the share that was being sold of the scripts of opioids in America, correct? MR. ANDRISANI: Objection to form. THE WITNESS: That's what it says. BY MR. CARTMELL: Q. Okay. Would you agree with me that that Teva has been and continues to be a

	Page 109		Page 110
1	THE WITNESS: We make a lot of	1	(Document marked for
2		2	identification as McGinn Deposition
3	opioid-containing products. BY MR. CARTMELL:	3	-
4		4	Exhibit No. 9.) BY MR. CARTMELL:
	Q. And if you look below, there is		
5	"Teva products include" paragraph, and that's a	5	Q. I'm handing you two copies of
6	list of all of the opioids that Teva is actually	6	Exhibit 9, one for you and one for your counsel.
7	manufacturing and selling as of this time.	7	This is produced from Teva's files in this
8	Do you see that?	8	litigation, and I will represent to you that
9 10	MR. ANDRISANI: Objection, form.	9	this was information that came from your file.
	THE WITNESS: Yes.	10	You'll see from the e-mail on the
11 12	BY MR. CARTMELL:	11	first page of this document, there's an e-mail
	Q. It's fair to say that's dozens of		from LeighAnn Tulleson dated June 15, 2012 to
13	opioid-containing products?	13	you and many others, and the subject is "DEA
14	A. Dozens of different products, but	14	Suspicious Order Monitoring Program."
15	some of the same products, yes, different	15	Do you see that?
16	formulations of the same product.	16	A. Yes.
17	Q. All opioid-containing products,	17	Q. It states, "we have scheduled a
18	correct?	18	meeting to discuss the DEA suspicious order
19	A. Correct.	19	monitoring program and its impact to Teva and
20	Q. We've talked a little bit about	20	our customers."
21 22	the law that applies to Teva related to	21	It states, "This launch meeting
23	manufacturing and selling opioids, but I want to		is critical to the overall understanding of the
24	talk in a little more detail and hand you Exhibit 9.	23	issues and will require each of the parties listed on this memo to attend."
24	Exhibit 9.	24	listed on this memo to attend.
	Page 111		- 440
	1496 111		Page 112
1		1	
1 2	You see that? A. Yes.	1 2	But I want to go through this,
	You see that? A. Yes.	1 2 3	But I want to go through this, and this is a letter, I take it, that you had
2	You see that? A. Yes. Q. Okay. So it looks like as of	2	But I want to go through this, and this is a letter, I take it, that you had seen prior to 2012; is that right?
2	You see that? A. Yes. Q. Okay. So it looks like as of June of 2012, which is not long after you	2	But I want to go through this, and this is a letter, I take it, that you had seen prior to 2012; is that right? A. It's hard to see where I
2 3 4	You see that? A. Yes. Q. Okay. So it looks like as of	2 3 4	But I want to go through this, and this is a letter, I take it, that you had seen prior to 2012; is that right? A. It's hard to see where I assume that I had.
2 3 4 5	You see that? A. Yes. Q. Okay. So it looks like as of June of 2012, which is not long after you started at Teva, is that fair, within a year? A. Yes.	2 3 4 5	But I want to go through this, and this is a letter, I take it, that you had seen prior to 2012; is that right? A. It's hard to see where I assume that I had. Q. Well, am I right that there are a
2 3 4 5 6	You see that? A. Yes. Q. Okay. So it looks like as of June of 2012, which is not long after you started at Teva, is that fair, within a year? A. Yes. Q. There was going to be a launch	2 3 4 5 6 7	But I want to go through this, and this is a letter, I take it, that you had seen prior to 2012; is that right? A. It's hard to see where I assume that I had.
2 3 4 5 6 7	You see that? A. Yes. Q. Okay. So it looks like as of June of 2012, which is not long after you started at Teva, is that fair, within a year? A. Yes. Q. There was going to be a launch meeting to discuss the suspicious order	2 3 4 5 6	But I want to go through this, and this is a letter, I take it, that you had seen prior to 2012; is that right? A. It's hard to see where I assume that I had. Q. Well, am I right that there are a series of letters that were sent to manufacturers and distributors of
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	You see that? A. Yes. Q. Okay. So it looks like as of June of 2012, which is not long after you started at Teva, is that fair, within a year? A. Yes. Q. There was going to be a launch meeting to discuss the suspicious order monitoring program? A. That's what it looks like. Q. Okay. Attached to this e-mail that you received is a series of letters from the U.S. Department of Justice Drug Enforcement Administration; is that right? A. Yes. Q. And I want to talk to you specifically about the one that is actually a crummy copy, but it's dated February 7, 2007. Do you see that? A. That's a bad copy for sure.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	But I want to go through this, and this is a letter, I take it, that you had seen prior to 2012; is that right? A. It's hard to see where I assume that I had. Q. Well, am I right that there are a series of letters that were sent to manufacturers and distributors of opioid-containing products from a man named Joseph Rannizzisi? A. Yes. Q. Okay. And I know that you are familiar with Mr. Rannizzisi, correct? A. Yes. Q. You have had dealings with him, pretty extensive dealings with him in the past; is that fair? A. Not personally. I may have talked to him once or twice.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	You see that? A. Yes. Q. Okay. So it looks like as of June of 2012, which is not long after you started at Teva, is that fair, within a year? A. Yes. Q. There was going to be a launch meeting to discuss the suspicious order monitoring program? A. That's what it looks like. Q. Okay. Attached to this e-mail that you received is a series of letters from the U.S. Department of Justice Drug Enforcement Administration; is that right? A. Yes. Q. And I want to talk to you specifically about the one that is actually a crummy copy, but it's dated February 7, 2007. Do you see that? A. That's a bad copy for sure. Q. Well, we got this from the files,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	But I want to go through this, and this is a letter, I take it, that you had seen prior to 2012; is that right? A. It's hard to see where I assume that I had. Q. Well, am I right that there are a series of letters that were sent to manufacturers and distributors of opioid-containing products from a man named Joseph Rannizzisi? A. Yes. Q. Okay. And I know that you are familiar with Mr. Rannizzisi, correct? A. Yes. Q. You have had dealings with him, pretty extensive dealings with him in the past; is that fair? A. Not personally. I may have talked to him once or twice. Q. At any rate, these letters, the series of letters that are attached, and I think
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	You see that? A. Yes. Q. Okay. So it looks like as of June of 2012, which is not long after you started at Teva, is that fair, within a year? A. Yes. Q. There was going to be a launch meeting to discuss the suspicious order monitoring program? A. That's what it looks like. Q. Okay. Attached to this e-mail that you received is a series of letters from the U.S. Department of Justice Drug Enforcement Administration; is that right? A. Yes. Q. And I want to talk to you specifically about the one that is actually a crummy copy, but it's dated February 7, 2007. Do you see that? A. That's a bad copy for sure. Q. Well, we got this from the files, and, unfortunately, we were looking for a better	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	But I want to go through this, and this is a letter, I take it, that you had seen prior to 2012; is that right? A. It's hard to see where I assume that I had. Q. Well, am I right that there are a series of letters that were sent to manufacturers and distributors of opioid-containing products from a man named Joseph Rannizzisi? A. Yes. Q. Okay. And I know that you are familiar with Mr. Rannizzisi, correct? A. Yes. Q. You have had dealings with him, pretty extensive dealings with him in the past; is that fair? A. Not personally. I may have talked to him once or twice. Q. At any rate, these letters, the series of letters that are attached, and I think there's three, are commonly known as the

	Page 113		Page 114
1	had not heard that.	1	that that was the purpose of these letters was
2	Q. What do you call them?	2	to put or to reiterate to manufacturers of
3	A. Distributor letters.	3	opioid drugs and other controlled substances and
4	Q. Okay. And I take it that you	4	distributors of these drugs of their
5	were familiar with these letters even back at	5	responsibilities related to the law that applies
6	Cephalon, before you started at Teva?	6	to manufacturing and selling controlled
7	A. Yes.	7	substances?
8	Q. Okay. And let's go through this	8	MR. ANDRISANI: Objection, form.
9	February 7, 2007 letter, you see the date, and	9	THE WITNESS: Yes.
10	you can see that this is a letter from the Drug	10	BY MR. CARTMELL:
11	Enforcement Administration out of Washington,	11	Q. And it looks like the DEA was
12	DC.	12	reiterating the law that applied to
13	It states, Dear Sir or Madam,	13	manufacturers and distributors of opioids at
14	this letter is being sent to every commercial	14	this time because there was an emerging
15	entity in the United States registered with the	15	controlled substance prescription drug problem,
16	Drug Enforcement Administration to distribute	16	correct?
17	controlled substances. The purpose of this	17	MR. ANDRISANI: Object to the
18	letter is to reiterate the responsibilities of	18	form.
19	controlled substance distributors in view of the	19	THE WITNESS: I assume that's
20	prescription drug abuse problem in our our	20	why.
21	nation currently faces.	21	BY MR. CARTMELL:
22	Do you see that?	22	Q. And this was back in 2007, right?
23	A. Yes.	23	A. Yes.
24	Q. Okay. So would you agree with me	24	Q. It states, "Background, as each
	Page 115		Page 116
1	of you is undoubtedly aware, the abuse	1	manufacture of controlled substances?
2	(nonmedical use) of controlled prescription	2	A. Yes.
2	(nonmedical use) of controlled prescription drugs is a serious and growing health problem in	2	A. Yes. MR. ANDRISANI: Objection, form.
2 3 4	(nonmedical use) of controlled prescription drugs is a serious and growing health problem in this country. DEA has an obligation to combat	2 3 4	A. Yes. MR. ANDRISANI: Objection, form. BY MR. CARTMELL:
2 3 4 5	(nonmedical use) of controlled prescription drugs is a serious and growing health problem in this country. DEA has an obligation to combat this problem, as one of the agency's core	2 3 4 5	A. Yes. MR. ANDRISANI: Objection, form. BY MR. CARTMELL: Q. Including opioid-containing
2 3 4 5 6	(nonmedical use) of controlled prescription drugs is a serious and growing health problem in this country. DEA has an obligation to combat this problem, as one of the agency's core functions is to prevent the diversion of	2 3 4 5 6	A. Yes. MR. ANDRISANI: Objection, form. BY MR. CARTMELL: Q. Including opioid-containing products?
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	Page 117		Page 118
1	vigilant in deciding whether a prospective	1	Q. Sorry I interrupted you. Were
2	customer can be trusted to deliver controlled	2	you done?
3	substances only for lawful purposes. This	3	A. I'm done. I'm sorry.
4	responsibility is critical, as Congress has	4	Q. We'll talk about the rest of the
5	expressly declared that the illegal distribution	5	letter in some detail, but I want to I was
6	of controlled substances has a substantial and	6	just pointing out that the rest of the letter
7	detrimental effect on the health and general	7	actually talks about the regulations and the law
8	welfare of the American people."	8	that applies and that the DEA is enforcing,
9	Do you see that?	9	correct?
10	A. Yes.	10	A. Yes.
11	Q. And do you agree with that?	11	Q. And one of the things, just so
12	MR. ANDRISANI: Objection to	12	it's clear for the jury, that is important to
13	form.	13	know is that companies like Teva, for example,
14	THE WITNESS: Yes.	14	because they sell and manufacture
15	BY MR. CARTMELL:	15	opioid-containing products, they have to
16	Q. Now, it then talks about actually	16	register with the DEA to be able to do that; is
17	the law that manufacturers and distributors are	17	that right?
18	bound by related to the sale and manufacture of	18	A. Yes.
19	controlled substances, correct?	19	Q. And is it true that they become
20	MR. ANDRISANI: Objection, form.	20	known as a registrant, for example, is that
21	THE WITNESS: I'm sorry.	21	referred to?
22	Could I missed it. Sorry, I was	22	A. Yes.
23	reading.	23	Q. Okay. And that registration, is
24	BY MR. CARTMELL:	24	it true, provides, for example, Teva a license
	Page 119		
			Page 120
1	that allows them through their multiple	1	BY MR. CARTMELL:
2	that allows them through their multiple facilities to go ahead and distribute those	2	BY MR. CARTMELL: Q. Go ahead.
2	that allows them through their multiple facilities to go ahead and distribute those opioids?	2	BY MR. CARTMELL: Q. Go ahead. A. It's U.S. code.
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2 3 4 5	that allows them through their multiple facilities to go ahead and distribute those opioids? A. Yes. Q. Okay. And so, for example, if	2 3 4 5	BY MR. CARTMELL: Q. Go ahead. A. It's U.S. code. Q. Okay. "Listed first among these factors is the duty of distributors to maintain
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Page 121 Page 122 1 THE WITNESS: Yes. 1 Q. I'll withdraw the question, and 2 BY MR. CARTMELL: 2 I'll read it, okay. 3 3 O. It states, In addition, Let's go through this section, 4 distributors must comply with appropriate state 4 and I'm going to follow up and ask you some 5 and local law. Congress also gave DEA authority 5 questions. 6 under this provision to revoke a registration 6 "The DEA regulations require all 7 based on the distributor's past experience in 7 distributors to report suspicious orders of 8 the distribution of controlled substances and 8 controlled substances. Specifically, the 9 based on such other factors as may be relevant. 9 regulations state the registrant shall design 10 10 Do you see that? and operate a system to disclose to the 11 "Relevant to and consistent with registrant suspicious orders of controlled 11 12 the public health and safety." 12 substances. The registrant shall inform the 13 Do you see that? 13 Field Division Office of the Administration in 14 Yes. 14 his area of suspicious orders when discovered by A. 15 Q. Okay. Now, I want to focus on 15 the registrant. Suspicious orders include 16 this next section, because this next section is 16 orders of unusual size, order deviating 17 talking specifically about something called 17 substantially from a normal pattern and orders suspicious orders of controlled substances. of unusual frequency." 18 18 19 Do you see that? 19 Do you see that? 20 Yes. 20 Yes. A. A. 21 Q. Tell us what suspicious orders of 21 Okay. So let me see if I can 22 controlled substances means? 22 interpret that for the jury. 23 Would you like me to read what 23 Does that mean that, for example, Teva at all times when they are licensed and 2.4 the regulation states. 24 Page 123 Page 124 1 1 example, we want 4,000 pills, is it -- does it selling, for example, opioid-containing 2 2 happen that way? Do they ask by the pill? products, they have to have what's called a 3 3 A. They don't call me to place an suspicious ordering monitoring program in place? 4 MR. ANDRISANI: Objection, form. 4 order, so I don't know exactly how they do it, 5 THE WITNESS: If they are selling 5 but I assume it's by carton or bottle or NDC. I 6 commercial product, yes. 6 don't know. 7 BY MR. CARTMELL: 7 Q. Okay. But you're actually 8 Q. Okay. And so the DEA requires 8 responsible as the DEA director at Teva for the 9 and the law requires, according to the 9 suspicious order monitoring program, aren't you? 10 regulations, that if Teva, for example, is going 10 A. I don't physically go and review 11 to sell these opioids, that they have to put a 11 orders. I am responsible -- ultimately 12 program in place that is going to effectively 12 responsible for it, but I don't actually process identify suspicious orders of opioids, correct? 13 13 the orders or investigate them. MR. ANDRISANI: Objection to Q. Okay. So a customer might 14 14 15 15 contact Teva and say we want cartons -- X number form. 16 16 of cartons of opioids or bottles of opioids, THE WITNESS: Yes. 17 BY MR. CARTMELL: 17 something like that, fair? 18 O. In other words, if Teva has 18 A. Yes. 19 19 customers, and I take it that they do, who MR. ANDRISANI: Objection, form. 20 contact Teva and they say, "we want to buy or 20 BY MR. CARTMELL: 21 purchase some of your opioid-containing 21 And this is saying that Teva, as products," that's happens, doesn't it? 22 22 a company, has to monitor those orders from its 23 A. Yes. 23 customers and make sure they're not suspicious, 24 And the customer says, for 24 right?

Page 125 Page 126 1 MR. ANDRISANI: Objection, form. 1 THE WITNESS: Yes. 2 THE WITNESS: Yes. 2 BY MR. CARTMELL: 3 BY MR. CARTMELL: 3 Q. Okay. Now, Teva also has, as a 4 Q. And if Teva finds that these 4 part of this law and these regulations from the 5 orders from its customers who are buying these 5 DEA, also has the responsibility to make sure 6 opioids are suspicious, then this says that 6 that they investigate if they find suspicious 7 those orders have to be actually reported to the 7 orders from their customers for opioids; is that 8 DEA, correct? 8 right? 9 9 MR. ANDRISANI: Objection, form. MR. ANDRISANI: Objection, form. 10 THE WITNESS: We investigate THE WITNESS: Correct. 10 11 orders of interest and report suspicious BY MR. CARTMELL: 11 12 orders. We have that obligation. Q. And if there are suspicious 12 13 orders from customers to Teva, actually, Teva is 13 BY MR. CARTMELL: not supposed to go and ship those bottles or 14 14 That's the duty of Teva to do 15 crates of opioids to the customer, right? 15 that, correct? 16 MR. ANDRISANI: Objection, form. 16 A. Yes. 17 THE WITNESS: Yes. 17 MR. ANDRISANI: Objection to 18 18 BY MR. CARTMELL: form. 19 Q. And this process called 19 BY MR. CARTMELL: 20 20 suspicious order monitoring is part of the law Q. And if you go down it states, "It 21 that says Teva has to have effective safeguards 21 bears emphasis that the foregoing reporting 22 in place to prevent diversion of these opioids 22 requirement is in addition to, and not in lieu 23 or controlled substances, right? 23 of, the general requirement under 21 U.S.C. 24 MR. ANDRISANI: Objection, form. 24 823(e) that a distributor maintain effective Page 127 Page 128 controls against diversion." 1 suspicious, we have an obligation not to 1 2 Do you see that? 2 ship. 3 Yes. 3 BY MR. CARTMELL: A. 4 "Thus, in addition to reporting 4 Q. You have an obligation not to O. 5 5 all suspicious orders, a distributor has a ship, but when this talks about due diligence, statutory responsibility to exercise due б б you also have an obligation to investigate, 7 diligence to avoid filling suspicious orders 7 right? 8 that might be diverted into other than 8 MR. ANDRISANI: Objection, form. 9 legitimate medical, scientific and industrial 9 THE WITNESS: We investigate any 10 channels." 10 order that's pended in the system, and 11 Do you see that? 11 then if we do our due diligence on that 12 Yes. 12 and we determine that it's a suspicious A. 13 Q. Okay. Let's talk about that due 13 order, then we have to report it. diligence. If I'm reading this correctly, and 14 14 BY MR. CARTMELL: 15 correct me if I'm wrong, the DEA is saying that 15 Q. So would you agree with me that 16 Teva, for example, when selling and 16 it's the responsibility of manufacturers and 17 manufacturing opioids, when they get suspicious 17 distributors of opioids, including Teva, and 18 orders, they can't just fill those orders, they 18 when you were at Cephalon as well, that if they 19 actually have to investigate and do due 19 have potentially suspicious order, their duty 20 diligence to determine or make sure that those 20 and responsibility is to investigate that order? 21 opioid pills are not going to be diverted to 21 A. Yes. 22 22 illegal and illicit places, correct? Okay. And if the company fails 23 MR. ANDRISANI: Objection, form. 23 to investigate those potentially suspicious 24 THE WITNESS: If it's deemed 24 orders, then they have breached their duty and

Page 129 Page 130 1 responsibility, correct? 1 have breached its duties and responsibilities, 2 MR. ANDRISANI: Objection, form. 2 according to the DEA regulations, correct? 3 THE WITNESS: Yes. 3 MR. ANDRISANI: Objection, form. 4 BY MR. CARTMELL: 4 THE WITNESS: I just want to say 5 Q. And if Teva, for instance, has a 5 that the suspicious order monitoring has 6 suspicious order monitoring system or fails to 6 been a moving target, and what was 7 have one that is effective and is actually 7 effective in one year -- considered 8 identifying suspicious orders and they're not 8 effective in one year may not have been 9 investigating those properly, then they will 9 considered effective in another year. 10 have breached their duty and responsibility, 10 So, you know, we try to monitor DEA 11 correct? 11 action to see where they're headed with 12 MR. ANDRISANI: Objection, form. 12 it, because they're basically 13 THE WITNESS: We have an 13 promulgating rules without writing 14 obligation to make sure that we have an 14 regulations, updating regulations, so we 15 effective system in place. 15 try to monitor that. What I'm saying is 16 16 BY MR. CARTMELL: it depends on the time that you were 17 Q. I understand that. My question 17 looking at the system in determining 18 is a little bit different. 18 whether it was effective or not. But at 19 If, in fact, Teva, for instance, 19 the time, it should have been effective 20 20 has a suspicious order monitoring system that is with the information that we knew at the 21 not effective and it isn't adequately 21 time. 22 identifying suspicious orders, and it's not --22 BY MR. CARTMELL: 23 and those orders are not adequately being 23 Q. I appreciate that. I'm going to 24 investigated by the company, then Teva would 24 object and move to strike, and I'm going to ask Page 131 Page 132 1 1 deaths with rising prescriptions, and it's true you again and see if I can get an answer to that 2 2 question. that the law we just talked about and that the 3 3 DEA in its letter of 2007 was reiterating is A. Okay. 4 And we'll talk about that in more 4 that at all times, for example, from 2000 until 5 5 detail, but, Ms. McGinn, if, in fact, Teva had a 2012 that law requiring Teva, for example, to 6 suspicious order monitoring program that was 6 have effective -- effective systems in place to 7 7 ineffective and not adequately identifying prevent diversion, that was in effect, correct? 8 suspicious orders and those orders that were 8 MR. ANDRISANI: Objection, form. 9 pended, when they did identify suspicious 9 THE WITNESS: Yes. 10 10 orders, were not being adequately investigated, BY MR. CARTMELL: 11 then Teva, according to the regulations of the 11 In other words, the law that 12 DEA, would have breached its duty and 12 we're talking about was in effect in 2000 and 13 responsibility, fair? 13 2001, all the way up to 2008, 2009, all the way 14 MR. ANDRISANI: Objection, form. 14 to 2012, and it's still in effect today? 15 THE WITNESS: Yes. 15 Yes. 16 BY MR. CARTMELL: 16 MR. ANDRISANI: Objection, form. 17 17 Q. Go ahead. BY MR. CARTMELL: 18 18 Q. And so at all times, even back in A. Yes. 19 I want to go back to Exhibit 7, 19 2004, 2003, any times from 2000 on, Teva had 20 if you would, and I just want to ask you a 20 that duty to have in effect a suspicious order 21 question, and I think this gives us a good way 21 monitoring program, correct? 22 22 to demonstrate for the jury what I'm asking MR. ANDRISANI: Objection, form. 23 about. 23 THE WITNESS: Yes. 24 Now, this graph shows rising 24 BY MR. CARTMELL:

Page 133 Page 134 1 Q. And Teva had the duty during that 1 MR. ANDRISANI: Objection, form. period of time all the way back to 2004 or 2 2 THE WITNESS: If Teva was 3 whenever it was they started selling controlled 3 responsible for that, it certainly was 4 substances, they needed to have effective 4 never intentional. 5 systems, including a suspicious order monitoring 5 BY MR. CARTMELL: 6 program, in place that would prevent diversion 6 Q. I understand that. My question 7 of opioids, correct? 7 is a little different, though, and I'm not 8 MR. ANDRISANI: Objection, form. 8 trying to put words in your mouth either, but 9 9 THE WITNESS: Yes. would you agree with me that if Teva, in the 10 BY MR. CARTMELL: 10 past, has not had effective systems in place to 11 Q. Okay. In other words, Teva 11 prevent diversion, including a suspicious order 12 couldn't start that program in 2010 or 2012, and monitoring program for suspicious orders of 12 13 if they did that, they would have breached their 13 opioids, if that system has not been effectively duties and responsibilities to do that prior to 14 14 in place and has not been diverting opioids, 15 that time, fair? 15 that could contribute to the epidemic, correct? 16 16 MR. ANDRISANI: Objection, form. MR. ANDRISANI: Objection, form. 17 THE WITNESS: Yes. 17 THE WITNESS: In some way, yeah. BY MR. CARTMELL: 18 18 I mean, we were just one part of the 19 Q. And would you agree with me, 19 supply chain. There were many other 20 Ms. McGinn, that if Teva did not monitor 20 steps in the process before it got to a 21 effectively for suspicious orders or in a 21 patient for a death. 22 responsible way and that actually contributed to 22 BY MR. CARTMELL: 23 the epidemic, then Teva would be responsible for 23 Q. And I'm not trying to say that 24 that? 24 Teva would be solely responsible for that, but Page 135 Page 136 1 1 if Teva didn't follow the DEA regulations and THE VIDEOGRAPHER: Going off the 2 2 record at 11:52 a m. have effective systems in place to prevent 3 diversion, they could be a contributor or would 3 (Luncheon recess.) 4 THE VIDEOGRAPHER: We are back on 4 be a contributor to the epidemic, correct? 5 5 MR. ANDRISANI: Objection, form. the record at 12:38. 6 BY MR. CARTMELL: 6 THE WITNESS: In some way, yes. 7 7 O. Ms. McGinn, we're back on the BY MR. CARTMELL: 8 Q. Okay. And the same is true with 8 record after a lunch break. Are you ready to 9 other manufacturers of opioids and distributors 9 proceed? 10 of opioids; they too could be contributors if 10 A. I am, thank you. 11 they didn't do a good job and have appropriate 11 Q. Did you have a nice lunch? A. I've had better, but I've had 12 systems in place to prevent diversion of 12 worse too so we're okay. 13 opioids, correct? 13 Q. Okay, good. 14 MR. ANDRISANI: Objection, form. 14 15 Well, before we broke for lunch, 15 THE WITNESS: Yes. 16 we were talking about, you'll recall, Exhibit 9, 16 BY MR. CARTMELL: 17 17 which is the Rannizzisi letter that was sent Q. Okay. And if, in fact, that's 18 from the Drug Enforcement Administration to, 18 the case, then, for example, would you believe, 19 in your opinion, that Teva would be partly 19 among others, manufacturers and distributors of 20 20 responsible for the epidemic? opioids. 21 MR. ANDRISANI: Objection, form. 21 You recall our conversation in 22 22 THE WITNESS: In some part, yes. that regard? 23 MR. CARTMELL: Let's take a 23 A. Yes. 24 24 Okay. And I don't think I made break.

Page 137 Page 138 1 this point, but I want to, and I don't mean to 1 I did not. 2 put words in your mouth, but is it true that 2 Q. Okay. Let's switch gears now, 3 these laws that require opioid manufacturers and 3 and I want to talk about your time at Teva, and 4 distributors to have safeguards that are 4 I know we've talked about you started in October 5 effective in place to prevent diversion of those 5 approximately of 2011 as an employee of Teva. 6 drugs, those laws are for safety purposes, 6 For a period of time you were working in 7 correct? 7 facilities, manufacturing facilities; is that 8 MR. ANDRISANI: Objection, form. 8 right? 9 THE WITNESS: I'm sure that's one 9 A. I was at the R&D building, yeah. 10 10 Q. And your compliance jobs during that period of time had to do with compliance 11 BY MR. CARTMELL: 11 12 12 with the manufacturing and storage and security Q. In other words, safety of 13 individuals so that the drugs aren't diverted to 13 of those opioid-containing products; is that 14 people who could abuse them or not even abuse 14 right? 15 them and have overdoses and hospitalizations and 15 A. Yes. 16 deaths, things like that, fair? 16 But at that point for a short 17 MR. ANDRISANI: Objection to 17 period of time, you were not overseeing the suspicious order monitoring program, correct? 18 form. 18 19 THE WITNESS: It's there for 19 At Cephalon -- which? 20 20 Q. We're talking about once you got legitimate medical need. 21 BY MR. CARTMELL: 21 to Teva in 2011. 22 Q. Okay. All right. Now, in 22 Yes. A. 23 preparation for your deposition today, did you 23 Q. For several months I think you 24 read the deposition of Mr. Tomkiewicz? 24 said that you weren't responsible for the Page 139 Page 140 1 representative of Teva who was deposed, is 1 suspicious order monitoring program, correct? 2 2 correct and Teva has been selling opioids since A. Correct. 3 3 2006, from 2006 until 2012 or through 2012, Teva And then when you became the had never once identified a single suspicious 4 director of the compliance department, DEA 4 5 compliance department, that's when you took over 5 order of opioids, correct? the responsibilities for the suspicious order 6 6 MR. ANDRISANI: Objection, form. 7 7 THE WITNESS: That was my monitoring program, correct? 8 A. Correct. 8 understanding. 9 Okay. I take it that when you 9 BY MR. CARTMELL: 10 started there at Teva and took over as the DEA 10 Q. And let's see how many years that 11 director that you needed to understand what 11 is. 2006 through 2012, that's seven years? 12 safeguards Teva had in place or what systems 12 were in place at Teva related to suspicious Q. Let's see, '06, '07, '08, '09, 13 13 order monitoring and other safeguards to prevent '10, '11, '12, that's seven years? 14 14 15 the diversion of those opioids, correct? 15 A. Okay. 16 16 So for seven years while selling Correct. 17 And did you learn at that time 17 opioids and, as we've discussed, high risk that Teva had never ever, prior to that time, opioids, Teva had never identified a single 18 18 19 identified and reported a suspicious order of 19 suspicious order of opioids from a customer; is 20 opioids? 20 that correct? 21 21 A. I had learned that after a period MR. ANDRISANI: Objection to 22 22 of time, yes. form. 23 Q. Okay. So, in other words, to 23 THE WITNESS: That's what I 24 make it clear, if Mr. Hasler, the corporate 24 heard.

Page 141 Page 142 1 BY MR. CARTMELL: 1 suspicious order monitoring program over 2 Q. Okay. And did you, upon learning 2 that many products, and it was -- I just 3 3 that, set out to determine whether or not didn't have that much experience to know 4 possibly there was a problem with their 4 whether it was right or not. 5 suspicious order monitoring program, such that 5 BY MR. CARTMELL: it actually wasn't identifying suspicious 6 6 Q. When you -- strike that. 7 orders? 7 You just mentioned your 8 MR. ANDRISANI: Objection, form. 8 experience with suspicious order monitoring as 9 THE WITNESS: When I came into 9 of September 12th when you started and took over 10 the group, it was my intention to 10 the suspicious order monitoring opioid program 11 evaluate the program to see if at Teva, how much experience did you have with 11 12 improvements were necessary. 12 overseeing a program like that? 13 BY MR. CARTMELL: 13 A. So I would have assumed SOM 14 Q. Okay. And I take it part of that 14 responsibilities at Cephalon when I took the 15 reason why you maybe wanted to look to see if 15 associate director position, what did we say 16 improvements were necessary is because you 16 that was 2010, in around there, but Cephalon's 17 figured out that in seven years and hundreds and 17 world was much smaller than Teva's. We had two 18 hundreds of thousands of orders, they'd never 18 opioids and a very limited number of customers. 19 identified a single suspicious order; is that 19 Teva was much larger, had many more products and 20 true? 20 a lot more customers. 21 MR. ANDRISANI: Objection, form. 21 Q. Okay. And so I want to now let's 22 THE WITNESS: I sought out to see 22 take a look at whether or not Teva, when you 23 if there was improvements because I had 23 started and took over the DEA compliance 24 little experience in dealing with a 24 department, actually had an effective suspicious Page 143 Page 144 order monitoring program in place that would DEA would do in an inspection. 1 1 2 safeguard against and prevent diversion of the 2 Okay. And you're doing that why? 3 opioids, okay? 3 Just to make sure that they're A. 4 A. Okay. 4 compliant. 5 5 Q. Now, when you took over the DEA (Document marked for 6 compliance department, were you also responsible 6 identification as McGinn Deposition 7 for the facilities and manufacturing plants to 7 Exhibit No. 10.) 8 make sure that they were DEA compliant? 8 BY MR. CARTMELL: 9 A. 9 Q. Okay. Let me hand you what's Yes. 10 Okay. So you had not only had to 10 been marked as Exhibit 10. Ms. McGinn, Exhibit 11 determine whether or not the manufacturing 11 10 was produced to us from Teva's files and plants were in compliance with the DEA, you also 12 12 actually from your custodial file in this had to determine if Teva was in compliance 13 13 litigation, and this is an e-mail string related to suspicious order monitoring, correct? 14 14 involving you and someone named Jason Gardner. 15 15 A. Correct. Do you see that? 16 16 Yes. Okay. And when you arrived at 17 Teva, was Teva doing what are called mock DEA 17 Q. Okay. Now, the date of this audits from time to time? e-mail, if you start at the bottom, is 18 18 19 A. When I took over at Teva? 19 September 15th, 2012, and I think we've 20 Yes. 20 established that that was right around the time Q. 21 A. I don't remember. 21 or very shortly after you took over as DEA --22 What is a mock DEA audit? 22 excuse me -- director of the DEA compliance Q. 2.3 A. It would be an audit that was 23 department at Teva; is that right? 24 conducted with internal people to replicate what 24 A. Yes.

	Page 145		Page 146
1	Q. And I take it during this period	1	Q. You're talking about product, was
2	of time you were trying to get up to speed and	2	it an opioid product?
3	determine whether or not Teva was in compliance	3	A. I have no way of knowing that.
4	with DEA regulations and the law, correct?	4	Q. Okay. Well, it might tell us
5	A. Correct.	5	later, but let me go on. It states, "Areas for
6	Q. Part of that was going around to	6	each registration are not marked and material is
7	the facilities and trying to determine if they	7	not segregated at all."
8	were in compliance, right?	8	Now, you're sending this e-mail.
9	A. Yes.	9	Who is Jason Gardner?
10	Q. Okay. And let's start at the	10	A. Jason reports to me.
11	bottom of this e-mail. It states "DEA Mock	11	Q. He was in the DEA compliance
12	Audit - Pomona."	12	department at this time?
13	What is Pomona?	13	A. Yes.
14	A. Pomona was one of the Teva	14	Q. And he still is?
15	facilities in New York.	15	A. He is.
16	Q. It states "Jason, I'm finding	16	Q. What is his position?
17	that in Virginia, there is very little control	17	A. He is associate director DEA
18	over product between registrations."	18	compliance.
19	What does that mean?	19	Q. Okay. "Areas for each
20	A. So the site has multiple	20	registration are not marked and material is not
21	registrations with DEA, and it sounds like what	21	segregated at all."
22	we were seeing is product moving between the	22	When you're talking about
23	registrations without paperwork. We had saw	23	material, are you talking actually about the
24	recordkeeping issues.	24	product?
	1 0		
	Page 147		Dago 140
	3		Page 148
1	A. Yes.	1	responds to you later, "Of course. Sounds like
1 2		1 2	
	A. Yes.		responds to you later, "Of course. Sounds like
2	A. Yes.Q. I'm seeing and we're talking,	2	responds to you later, "Of course. Sounds like a huge mess. Hopefully this is isolated to
2	A. Yes. Q. I'm seeing and we're talking, before I go on, we're talking about controlled	2	responds to you later, "Of course. Sounds like a huge mess. Hopefully this is isolated to Virginia. How do they reconcile the inventories
2 3 4	A. Yes. Q. I'm seeing and we're talking, before I go on, we're talking about controlled substances, right?	2 3 4	responds to you later, "Of course. Sounds like a huge mess. Hopefully this is isolated to Virginia. How do they reconcile the inventories at year end?"
2 3 4 5	A. Yes. Q. I'm seeing and we're talking, before I go on, we're talking about controlled substances, right? A. Yes.	2 3 4 5	responds to you later, "Of course. Sounds like a huge mess. Hopefully this is isolated to Virginia. How do they reconcile the inventories at year end?" And let me ask you, before I read
2 3 4 5 6	A. Yes. Q. I'm seeing and we're talking, before I go on, we're talking about controlled substances, right? A. Yes. Q. Because we're talking about the	2 3 4 5 6	responds to you later, "Of course. Sounds like a huge mess. Hopefully this is isolated to Virginia. How do they reconcile the inventories at year end?" And let me ask you, before I read your e-mail back, but was Mr. Gardner also new
2 3 4 5 6 7	A. Yes. Q. I'm seeing and we're talking, before I go on, we're talking about controlled substances, right? A. Yes. Q. Because we're talking about the DEA?	2 3 4 5 6 7	responds to you later, "Of course. Sounds like a huge mess. Hopefully this is isolated to Virginia. How do they reconcile the inventories at year end?" And let me ask you, before I read your e-mail back, but was Mr. Gardner also new at Teva at that time?
2 3 4 5 6 7 8	A. Yes. Q. I'm seeing and we're talking, before I go on, we're talking about controlled substances, right? A. Yes. Q. Because we're talking about the DEA? A. Yes. Q. So these are actually narcotics, Class II controlled substances, correct?	2 3 4 5 6 7 8	responds to you later, "Of course. Sounds like a huge mess. Hopefully this is isolated to Virginia. How do they reconcile the inventories at year end?" And let me ask you, before I read your e-mail back, but was Mr. Gardner also new at Teva at that time? A. Jason was a Cephalon employee, so
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. I'm seeing and we're talking, before I go on, we're talking about controlled substances, right? A. Yes. Q. Because we're talking about the DEA? A. Yes. Q. So these are actually narcotics, Class II controlled substances, correct? A. It could be anywhere from Schedule V to Schedule II. Q. Okay. "I'm seeing a lot of problems with shipping material out on the wrong registration number." What does that mean? A. It means that the registration referenced on paperwork was not the correct registration number. Q. "Things received under the distributor are being shipped out under the manufacturer. Can you make sure Pomona has some	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	responds to you later, "Of course. Sounds like a huge mess. Hopefully this is isolated to Virginia. How do they reconcile the inventories at year end?" And let me ask you, before I read your e-mail back, but was Mr. Gardner also new at Teva at that time? A. Jason was a Cephalon employee, so we were just coming on at the same time to Teva. Q. So you and Jason were both new to Teva in that you had been at Cephalon previously, correct? A. Yes. Q. And you're just both trying to figure out whether or not Teva has been compliant with the DEA, right? A. Yes, I believe he was conducting an internal audit at Pomona while I was in Virginia. Q. Okay. And were you conducting the internal audit in Virginia? A. Based on this e-mail, it looks
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. Q. I'm seeing and we're talking, before I go on, we're talking about controlled substances, right? A. Yes. Q. Because we're talking about the DEA? A. Yes. Q. So these are actually narcotics, Class II controlled substances, correct? A. It could be anywhere from Schedule V to Schedule II. Q. Okay. "I'm seeing a lot of problems with shipping material out on the wrong registration number." What does that mean? A. It means that the registration referenced on paperwork was not the correct registration number. Q. "Things received under the distributor are being shipped out under the manufacturer. Can you make sure Pomona has some way to control that?"	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	responds to you later, "Of course. Sounds like a huge mess. Hopefully this is isolated to Virginia. How do they reconcile the inventories at year end?" And let me ask you, before I read your e-mail back, but was Mr. Gardner also new at Teva at that time? A. Jason was a Cephalon employee, so we were just coming on at the same time to Teva. Q. So you and Jason were both new to Teva in that you had been at Cephalon previously, correct? A. Yes. Q. And you're just both trying to figure out whether or not Teva has been compliant with the DEA, right? A. Yes, I believe he was conducting an internal audit at Pomona while I was in Virginia. Q. Okay. And were you conducting the internal audit in Virginia? A. Based on this e-mail, it looks like I was probably in Virginia.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. I'm seeing and we're talking, before I go on, we're talking about controlled substances, right? A. Yes. Q. Because we're talking about the DEA? A. Yes. Q. So these are actually narcotics, Class II controlled substances, correct? A. It could be anywhere from Schedule V to Schedule II. Q. Okay. "I'm seeing a lot of problems with shipping material out on the wrong registration number." What does that mean? A. It means that the registration referenced on paperwork was not the correct registration number. Q. "Things received under the distributor are being shipped out under the manufacturer. Can you make sure Pomona has some	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	responds to you later, "Of course. Sounds like a huge mess. Hopefully this is isolated to Virginia. How do they reconcile the inventories at year end?" And let me ask you, before I read your e-mail back, but was Mr. Gardner also new at Teva at that time? A. Jason was a Cephalon employee, so we were just coming on at the same time to Teva. Q. So you and Jason were both new to Teva in that you had been at Cephalon previously, correct? A. Yes. Q. And you're just both trying to figure out whether or not Teva has been compliant with the DEA, right? A. Yes, I believe he was conducting an internal audit at Pomona while I was in Virginia. Q. Okay. And were you conducting the internal audit in Virginia? A. Based on this e-mail, it looks

	Page 149		Page 150
1	facility in Virginia?	1	recordkeeping errors.
2	A. Yes.	2	BY MR. CARTMELL:
3	Q. Does that facility or did it at	3	Q. Okay. And is it fair to say when
4	this time manufacture opioids?	4	you say it was a huge mess that this would have
5	A. They must have, I mean, just	5	been noncompliant if audited by the DEA?
6	based on this e-mail.	6	MR. ANDRISANI: Objection, form.
7	Q. Okay. So you responded to	7	THE WITNESS: Yes. Can I just
8	Mr. Gardner when he says that it's a huge mess	8	add something to that?
9	you say, "Well, I've been hearing for the last	9	MR. ANDRISANI: No. You have to
10	10 months that it takes them 2-3 months for	10	respond to questions. I'm sorry.
11	reconcile. Now I know why. We just found a	11	THE WITNESS: Okay, I'm sorry.
12	discrepancy on the Fentanyl Year End Report for	12	BY MR. CARTMELL:
13	2011. It's a huge mess."	13	Q. Now, you mentioned that when you
14	Do you see that?	14	became DEA compliance director in 2012, you were
15	A. Yes.	15	doing an analysis of what types of safeguards
16	Q. And fentanyl is an opioid,	16	Teva had been doing related to preventing the
17	correct?	17	diversion of the opioids they were selling, and
18	A. Yes.	18	that included an analysis of what their
19	Q. And so is it fair to say that	19	suspicious order monitoring program had been
20	when you went to this facility and did your DEA	20	prior to you getting involved, correct?
21	audit, you found that this facility was	21	A. Yes.
22	noncompliant with DEA?	22	Q. And you were trying to determine,
23	MR. ANDRISANI: Objection, form.	23	I take it, whether it was effective in
24	THE WITNESS: We found there were	24	identifying suspicious orders and safeguarding
	Page 151		Page 152
1	against diversion?	1	improve it, correct?
2	A II C		
	A. I'm sorry. Can you repeat the	2	A. To see if there was some way we
3	question.	3	A. To see if there was some way we could.
3 4	question. Q. And I suspect you were trying to		could. Q. Okay. Was that analysis of the
	question. Q. And I suspect you were trying to determine whether this program for suspicious	3	could. Q. Okay. Was that analysis of the suspicious order monitoring program and the
4	question. Q. And I suspect you were trying to determine whether this program for suspicious order monitoring that is required by law was	3 4	could. Q. Okay. Was that analysis of the suspicious order monitoring program and the systems regarding safeguarding against the
4 5	question. Q. And I suspect you were trying to determine whether this program for suspicious order monitoring that is required by law was effective in actually identifying suspicious	3 4 5	could. Q. Okay. Was that analysis of the suspicious order monitoring program and the systems regarding safeguarding against the diversion of opioids, was that analysis already
4 5 6	question. Q. And I suspect you were trying to determine whether this program for suspicious order monitoring that is required by law was effective in actually identifying suspicious orders and safeguarding against diversion?	3 4 5 6	could. Q. Okay. Was that analysis of the suspicious order monitoring program and the systems regarding safeguarding against the
4 5 6 7	question. Q. And I suspect you were trying to determine whether this program for suspicious order monitoring that is required by law was effective in actually identifying suspicious	3 4 5 6 7	Q. Okay. Was that analysis of the suspicious order monitoring program and the systems regarding safeguarding against the diversion of opioids, was that analysis already underway before you got there, or did you start that?
4 5 6 7 8	question. Q. And I suspect you were trying to determine whether this program for suspicious order monitoring that is required by law was effective in actually identifying suspicious orders and safeguarding against diversion? MR. ANDRISANI: Objection, form. THE WITNESS: I was bringing	3 4 5 6 7 8 9	could. Q. Okay. Was that analysis of the suspicious order monitoring program and the systems regarding safeguarding against the diversion of opioids, was that analysis already underway before you got there, or did you start that? A. Before I got to Teva?
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	Page 153		Page 154
1	with that you had to discuss bringing somebody	1	arriving?
2	in to improve the suspicious order monitoring	2	A. I don't. I don't remember.
3	program?	3	Q. I'm going to hand you what has
4	A. I would have had to have a	4	been marked as Exhibit 11.
5	discussion with my direct supervisor, Chris	5	(Document marked for
6	Lowery.	6	identification as McGinn Deposition
7	Q. And did you ask Mr. Lowery at	7	Exhibit No. 11.)
8	that time to bring in somebody who had more	8	BY MR. CARTMELL:
9	experience with suspicious order monitoring?	9	Q. And these are documents that were
10	A. I'm sure I did.	10	produced in Teva's files in this litigation.
11	Q. Did you ask Mr. Lowery who was	11	They're actually in a little different view for
12	actually handling the suspicious order	12	some reason, and the front page has e-mails
13	monitoring prior to you showing up?	13	involving you that are in the landscape style.
14	A. I knew who what was.	14	I learned that phrase.
15	Q. And that was Mr. Lowery?	15	A. (Witness reviews document.)
16	A. That was Dennis Ferrell.	16	Q. Ms. McGinn, this exhibit, Exhibit
17	Q. I'm sorry, Mr. Ferrell.	17	11, has on its cover page or first page e-mails
18	And did you at that time learn	18	involving you and Dennis Ferrell and Chris
19	through Mr. Ferrell or Mr. Lowery what the	19	Lowery, who I think we've just talked about,
20	actual process had been prior to your arrival?	20	those were your superiors in the DEA compliance
21	A. I'm sure there was some	21	department; is that correct?
22	discussion about that.	22	A. Yes.
23	Q. Do you know, as you sit here	23	Q. And there's attachments to this
24	today, what that process had been prior to you	24	e-mail that we were produced, and we'll go
	Dago 155		Dage 156
	Page 155		Page 156
1	through those, but if you start at the bottom,	1	A. So it wasn't isolated to SOM.
2	the first e-mail, in May of 2012 you were	2	Q. But these e-mails are related
3	writing an e-mail to Mr. Ferrell and Mr. Lowery	3	specifically, if you look at the subject, to SOM
4	about some findings you had related to a DEA	4	issues, correct?
5	enforcement action against one of the big	5	MR. ANDRISANI: Objection, form.
6	distributing companies of opioids called	6	THE WITNESS: Yes.
7	Cardinal Health; is that correct?	7	BY MR. CARTMELL:
			0 4 10016
8	A. Yes.	8	Q. And SOM again is suspicious order
9	Q. Okay. And let me ask you, this	9	monitoring?
9 10	Q. Okay. And let me ask you, this is May of 2012, was this the time period when	9	monitoring? A. Yes.
9 10 11	Q. Okay. And let me ask you, this is May of 2012, was this the time period when you had told your seniors that you all needed to	9 10 11	monitoring? A. Yes. Q. All right. And that's what the
9 10 11 12	Q. Okay. And let me ask you, this is May of 2012, was this the time period when you had told your seniors that you all needed to do some analysis and improving of the suspicious	9 10 11 12	monitoring? A. Yes. Q. All right. And that's what the DEA requires, correct?
9 10 11 12 13	Q. Okay. And let me ask you, this is May of 2012, was this the time period when you had told your seniors that you all needed to do some analysis and improving of the suspicious order monitoring program?	9 10 11 12 13	monitoring? A. Yes. Q. All right. And that's what the DEA requires, correct? A. Yes.
9 10 11 12 13 14	Q. Okay. And let me ask you, this is May of 2012, was this the time period when you had told your seniors that you all needed to do some analysis and improving of the suspicious order monitoring program? A. I don't know that I brought it up	9 10 11 12 13 14	monitoring? A. Yes. Q. All right. And that's what the DEA requires, correct? A. Yes. Q. All right. It states "check this
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9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Okay. And let me ask you, this is May of 2012, was this the time period when you had told your seniors that you all needed to do some analysis and improving of the suspicious order monitoring program? A. I don't know that I brought it up or if I was directed to do it. Q. Okay. But somebody at that time had said, we need to do an analysis of our suspicious order monitoring program and see if we can improve it? MR. ANDRISANI: Objection, form. THE WITNESS: Yes, not just SOM,	9 10 11 12 13 14 15 16 17 18 19 20 21	monitoring? A. Yes. Q. All right. And that's what the DEA requires, correct? A. Yes. Q. All right. It states "check this out. Mike Meggiolaro got a copy of the cardinal court papers." Do you see that? A. Yes. Q. And then you say some facts from the Court papers that I take it are allegations against Cardinal by the DEA for why they were
9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Okay. And let me ask you, this is May of 2012, was this the time period when you had told your seniors that you all needed to do some analysis and improving of the suspicious order monitoring program? A. I don't know that I brought it up or if I was directed to do it. Q. Okay. But somebody at that time had said, we need to do an analysis of our suspicious order monitoring program and see if we can improve it? MR. ANDRISANI: Objection, form. THE WITNESS: Yes, not just SOM, but DEA compliance across the board.	9 10 11 12 13 14 15 16 17 18 19 20 21 22	monitoring? A. Yes. Q. All right. And that's what the DEA requires, correct? A. Yes. Q. All right. It states "check this out. Mike Meggiolaro got a copy of the cardinal court papers." Do you see that? A. Yes. Q. And then you say some facts from the Court papers that I take it are allegations against Cardinal by the DEA for why they were not following the law; is that fair?
9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Okay. And let me ask you, this is May of 2012, was this the time period when you had told your seniors that you all needed to do some analysis and improving of the suspicious order monitoring program? A. I don't know that I brought it up or if I was directed to do it. Q. Okay. But somebody at that time had said, we need to do an analysis of our suspicious order monitoring program and see if we can improve it? MR. ANDRISANI: Objection, form. THE WITNESS: Yes, not just SOM,	9 10 11 12 13 14 15 16 17 18 19 20 21	monitoring? A. Yes. Q. All right. And that's what the DEA requires, correct? A. Yes. Q. All right. It states "check this out. Mike Meggiolaro got a copy of the cardinal court papers." Do you see that? A. Yes. Q. And then you say some facts from the Court papers that I take it are allegations against Cardinal by the DEA for why they were

	Page 157		Page 158
1	that was forwarded to me by Mike	1	Do you see that, CVS?
2	Meggiolaro.	2	A. Yes.
3	BY MR. CARTMELL:	3	Q. That's CVS, the actual pharmacy?
4	Q. Okay. It states, "Lack of site	4	A. Yes.
5	visits which would have revealed that 40-42% of	5	Q. That we all see on the street
6	the oxycodone prescriptions were paid for in	6	corners?
7	cash, an indicator of potential diversion under	7	A. Yes.
8	Cardinal's policies."	8	Q. Okay. And oxycodone is a high
9	Do you see that?	9	risk opioid, correct?
10	A. Yes.	10	A. Yes.
11	Q. And as a DEA compliance employee	11	Q. So what you're saying here is one
12	at this time who had worked in the industry for	12	of the allegations by the DEA was that there was
13	many, many years, did you know that payments in	13	a very large increase in an order for oxycodone,
14	cash by customers was one of the factors often	14	and the claim was that Cardinal Health had not
15	that was looked at to determine whether or not	15	done an adequate investigation of that?
16	there was potential or suspicious orders going	16	MR. ANDRISANI: Objection. Tom,
17	on that might be lead to a diversion?	17	I think she said that she was forwarded
18	A. It was something that DEA had	18	this by Mike Meggiolaro, so she's not
19	mentioned in a conference. I don't know which	19	saying that.
20	year they started mentioning it, but it had been	20	MR. CARTMELL: I'm sorry. Let me
21	mentioned.	21	restate it.
22	Q. Okay. It then says, Inadequate	22	BY MR. CARTMELL:
23	investigation of the exponential increase of	23	Q. To explain what this says that
24	oxycodone purchases by CV.	24	was forwarded to you by Mike, "inadequate
	Page 159		Page 160
1	investigation of the exponential increase of	1	inquiry or investigation, fair?
2	oxycodone," did you interpret that to mean that	2	MR. ANDRISANI: Objection, form.
3	one of the allegations against Cardinal was that	3	THE WITNESS: What it says is
4	they had this very large increase in oxycodone	4	that they were allowing almost all
5	ordered, Cardinal Health did, and that they	5	shipments to go through.
6	the allegation was they failed to adequately	6	BY MR. CARTMELL:
7	investigate that increased order?	7	Q. Almost all orders, is that what
8	A. That's what it says here, yes.	8	shipments would be?
9	Q. Okay. And then it states,	9	A. Yes.
10	"Awareness and approval of this dramatic	10	Q. Orders of opioids?
11	increase, raising the allowed threshold amounts	11	A. Yes.
12	and sometimes disregarding the amounts."	12	Q. And then it says "failure to
13	And then it says "allowing almost	13	report the two pharmacies to the DEA."
14	all shipments through, even those that had been	14	Do you see that?
15	held for further inquiry."	15	A. Yes.
16	What did that mean to you?	16	Q. What did that mean to you?
	A T 111	17	A. I'm not sure exactly what he's
17	A. I would interpret that as		
17 18	allowing pended orders to be shipped.	18	referring to there. Apparently, two customers
17 18 19	allowing pended orders to be shipped. Q. So to explain to the jury, am I	19	were not reported to the DEA.
17 18 19 20	allowing pended orders to be shipped. Q. So to explain to the jury, am I right that you interpreted that to mean that	19 20	were not reported to the DEA. Q. Why was it at this time in 2012
17 18 19 20 21	allowing pended orders to be shipped. Q. So to explain to the jury, am I right that you interpreted that to mean that increased orders might be tagged or red flagged	19 20 21	were not reported to the DEA. Q. Why was it at this time in 2012 that you were looking into DEA enforcement
17 18 19 20 21 22	allowing pended orders to be shipped. Q. So to explain to the jury, am I right that you interpreted that to mean that increased orders might be tagged or red flagged as potentially suspicious, and this is saying	19 20 21 22	were not reported to the DEA. Q. Why was it at this time in 2012 that you were looking into DEA enforcement actions against other distributors of opioids?
17 18 19 20 21 22 23	allowing pended orders to be shipped. Q. So to explain to the jury, am I right that you interpreted that to mean that increased orders might be tagged or red flagged as potentially suspicious, and this is saying that Cardinal was letting all of those through,	19 20 21 22 23	were not reported to the DEA. Q. Why was it at this time in 2012 that you were looking into DEA enforcement actions against other distributors of opioids? A. We were trying to gather as much
17 18 19 20 21 22	allowing pended orders to be shipped. Q. So to explain to the jury, am I right that you interpreted that to mean that increased orders might be tagged or red flagged as potentially suspicious, and this is saying	19 20 21 22	were not reported to the DEA. Q. Why was it at this time in 2012 that you were looking into DEA enforcement actions against other distributors of opioids?

	Page 161		Page 162
1	monitoring.	1	your memory and maybe this helps your
2	Q. Why is that?	2	recollection, going to be a white paper that
3	A. To see if there were any	3	described, in your mind, what was necessary for
4	improvements that could be made to our program.	4	an appropriate suspicious order monitoring
5	Q. Do you know, as you sit here	5	program?
6	today, whether or not anyone at Teva had tried	6	MR. ANDRISANI: Objection, form.
7	to gather all of this information about	7	THE WITNESS: I think that the
8	suspicious order monitoring during the years	8	white paper was I don't actually
9	2006 to 2012?	9	remember what the actual white paper
10	A. I wouldn't know that.	10	was, but I have to assume that it was a
11	Q. Okay. Chris Lowery responds to	11	description of all of the information we
12	you by saying, "Okay - good job, add this to	12	had on suspicious order monitoring as a
13	your white paper."	13	comparator.
14	Do you see that?	14	BY MR. CARTMELL:
15	A. Yes.	15	Q. Okay. If you look at the
16	Q. And were you actually putting	16	attachment up above it states, "DEA Suspicious
17	together a white paper at that time?	17	Monitoring Compliance Draft."
18	A. I don't remember exactly what the	18	Do you see that?
19	white paper he's referring to was. I know that	19	A. Where is it? I'm sorry. Oh, the
20	we were collecting all the data and probably	20	header.
21	trying to put something together as guidance.	21	Q. Let me strike and restate it
22	Q. And who was the white paper	22	again.
23	strike that.	23	If you look at the top e-mail
24	Was the white paper, based on	24	from Chris Lowery to you, under attachments it
24	was the white paper, based on	24	from Chiris Lowery to you, under attachments it
	Page 163		Page 164
1	states "DEA Suspicious Monitoring Compliant	1	second page just had I don't see the
2	Draft."	2	disclaimer that was on the bottom of
3	Do you see that?	3	that. It may be that the disclaimer got
4	A. Yes.	4	cut off or something.
5	Q. Do you suspect that that's the	5	MR. ANDRISANI: Yeah, I didn't
6	white paper that was being put together?	6	know if it
7	A. I don't know.	7	MR. CARTMELL: We'll make sure to
8	Q. It could be?	8	check it out and whatever if there is
9	A. It could be, it could maybe not	9	a page supplement the record with that
10	be.	10	and put it in correctly.
11	Q. And Chris Lowery, at least at	11	MR. ANDRISANI: Okay.
12	that time, says that you are the one putting the	12	BY MR. CARTMELL:
13	white paper together, correct?	13	Q. Ms. McGinn, if you look at the
14	A. That's what it says.	14	next page, which appears to be part of the
15	Q. Okay. If you go to the	15	attachments to the e-mail between you and
16	attachments.	16	Mr. Lowery, there is what is called an
17	MR. ANDRISANI: Tom, can I stop	17	"Executive Summary."
18	you for a second. Do you know why	18	Do you see that?
19	there's not a 67. Is it just a blank?	19	A. No. I can see something.
20	It looks like it goes 66 to 68.	20	MR. CARTMELL: We found it. It's
21	MR. CARTMELL: Oh, you're talking	21	just a signature.
22	about Bates?	22	MR. ANDRISANI: Okay, that's
23	MR. ANDRISANI: Yeah, I'm sorry.	23	fine.
24	MR. CRAWFORD: It may be that the	24	MR. CARTMELL: Okay. You can put
	The second secon		par

	Page 165		Page 166
1	it in there, if you want.	1	prevent diversion of the opioid products being
2	MR. ANDRISANI: I figured it must	2	sold?
3	have just been something that got copied	3	A. We wanted to ensure that we were
4	wrong. Thank you.	4	meeting DEA regulations.
5	BY MR. CARTMELL:	5	Q. You want to make sure you were in
6	Q. I'll start over.	6	compliance, right?
7	Ms. McGinn, if you turn the page	7	A. Yes.
8	to the attachments to the e-mails between you	8	Q. Okay. Because if you're not in
9	and Mr. Lowery, there is what's titled an	9	compliance, then you risk the DEA doing an audit
10	"Executive Summary."	10	and potentially taking your license away to sell
11	Do you see that?	11	those opioids, correct?
12	A. Yes.	12	A. Potentially, yes.
13	Q. Okay. Did you prepare this?	13	Q. Okay. It states, "This is
14	A. I don't remember.	14	considered a compliance area in which we are 'at
15	Q. Okay. Let's go through this.	15	risk' and therefore the highest priority should
16	It states, "The goal is to create	16	be placed to close all gaps."
17	a defendable position to meet the DEA	17	Do you see that?
18	regulations and current DEA required practices."	18	A. Yes.
19	Do you see that?	19	Q. Okay. So correct me if I'm
20	A. Yes.	20	wrong, but when you say "at risk," that's
21	Q. And is that consistent with your	21	something that are a term of art within your
22	memory that at that time you all were looking at	22	industry, correct?
23	whether you had appropriate safeguards and	23	MR. ANDRISANI: Objection. She
24	effective safeguards in effect at Teva to try to	24	said she didn't recall if she wrote
24	effective safeguards in effect at Teva to try to		said she didn't reean it she wrote
	Page 167		Dama 160
			Page 168
1	this.	1	THE WITNESS: Yes.
1 2		1 2	
	this.		THE WITNESS: Yes.
2	this. MR. CARTMELL: Let me restate it,	2	THE WITNESS: Yes. BY MR. CARTMELL:
2	this. MR. CARTMELL: Let me restate it, subject to your objection.	2 3	THE WITNESS: Yes. BY MR. CARTMELL: Q. Or potentially you could suffer
2 3 4	this. MR. CARTMELL: Let me restate it, subject to your objection. BY MR. CARTMELL: Q. Ms. McGinn, it states "at risk,"	2 3 4	THE WITNESS: Yes. BY MR. CARTMELL: Q. Or potentially you could suffer millions of dollars in fines, correct?
2 3 4 5	this. MR. CARTMELL: Let me restate it, subject to your objection. BY MR. CARTMELL: Q. Ms. McGinn, it states "at risk," is your understanding that that is a term of art	2 3 4 5	THE WITNESS: Yes. BY MR. CARTMELL: Q. Or potentially you could suffer millions of dollars in fines, correct? MR. ANDRISANI: Objection, form.
2 3 4 5 6	this. MR. CARTMELL: Let me restate it, subject to your objection. BY MR. CARTMELL: Q. Ms. McGinn, it states "at risk,"	2 3 4 5 6	THE WITNESS: Yes. BY MR. CARTMELL: Q. Or potentially you could suffer millions of dollars in fines, correct? MR. ANDRISANI: Objection, form. THE WITNESS: Yes.
2 3 4 5 6 7	this. MR. CARTMELL: Let me restate it, subject to your objection. BY MR. CARTMELL: Q. Ms. McGinn, it states "at risk," is your understanding that that is a term of art within DEA compliance?	2 3 4 5 6 7	THE WITNESS: Yes. BY MR. CARTMELL: Q. Or potentially you could suffer millions of dollars in fines, correct? MR. ANDRISANI: Objection, form. THE WITNESS: Yes. BY MR. CARTMELL:
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2 3 4 5 6 7 8 9	this. MR. CARTMELL: Let me restate it, subject to your objection. BY MR. CARTMELL: Q. Ms. McGinn, it states "at risk," is your understanding that that is a term of art within DEA compliance? A. A term of art. It is a term that we would use. Q. And you would use that because if	2 3 4 5 6 7 8 9	THE WITNESS: Yes. BY MR. CARTMELL: Q. Or potentially you could suffer millions of dollars in fines, correct? MR. ANDRISANI: Objection, form. THE WITNESS: Yes. BY MR. CARTMELL: Q. And the result of being noncompliant and at risk could increase the likelihood that these opioids are actually not
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Page 169 Page 170 1 Q. And because of that you needed to 1 BY MR. CARTMELL: 2 immediately spring into action with your 2 Q. When you say here or what is said 3 co-workers to try to close what is called the 3 here that you're going to close the gap --4 gaps, correct? 4 strike that. 5 A. We were going to look at the 5 You know what's referred to as a 6 program to see if there were any improvements gap analysis? 6 7 that we could make to the program to make it 7 A. 8 better. 8 That's sort of a term of art in O. 9 Q. But my question is a little bit 9 your industry as well, correct? 10 different. 10 A. Yes. 11 What you state here or what is 11 O. What is a gap analysis? 12 stated here in this document which was in your It's identifying what's taking 12 13 file was that you all were going to go to work 13 place today versus the requirement. 14 to try to close the gaps between being 14 Q. Right. You want to close the gap 15 noncompliant and compliant, correct? 15 between your current structure or system in 16 place and make sure to make it compliant, MR. ANDRISANI: Objection, 16 17 misstates it. 17 correct? THE WITNESS: We would do that 18 18 We want to make it effective, A. 19 for any aspect of DEA compliance, that's 19 yes. 20 our job, is to make sure that we close 20 You want to make it compliant, Q. 21 any and all gaps as we are aware of 21 right? And by being compliant, you'd to 22 2.2 them A. 23 MR. CARTMELL: Object and move to 23 be effective, yes. 24 strike. I want to ask it again. 24 Right. So what was being said Page 171 Page 172 1 here in this executive summary was that this is 1 fact, the suspicious order monitoring program 2 a -- the highest priority and you all were going 2 needed improvements, correct? 3 to go to work to close the gap to make sure that 3 A. Yes. 4 you all would become compliant, correct? 4 And, in fact, at that time, that O. 5 5 MR. ANDRISANI: Objection, form. program was putting the company at risk, 6 THE WITNESS: We were going to 6 correct? 7 7 MR. ANDRISANI: Objection, form. identify the gap and close any that we 8 identified. 8 THE WITNESS: I don't -- again, I 9 BY MR. CARTMELL: 9 don't know that I knew enough at the 10 Q. Right. And then it states, "I 10 time to say whether it was compliant or 11 understand that there are two primary areas for 11 not. Again, I don't have the experience 12 consideration. They are, 1, Suspicious Ordering 12 to know that. 13 Program," and it states "in good shape." 13 BY MR. CARTMELL: 14 Do you see that? 14 Q. And then 2, "Know your Customer program," it says "not compliant," correct? 15 A. Yes. 15 16 A. That's what it says, yes. Now, it's true, Ms. McGinn, that 16 17 that's actually not an accurate statement, 17 And "not compliant" means not 18 correct? 18 compliant with the DEA, correct? 19 19 MR. ANDRISANI: Objection. MR. ANDRISANI: Objection, form. 20 THE WITNESS: I don't know that. 20 THE WITNESS: I don't know. 21 BY MR. CARTMELL: 21 BY MR. CARTMELL: 22 22 Q. Well, you did know after getting You don't know? Q. 23 into this at Teva and going to work and finding 23 Yeah, I'm not sure. Like I said, 24 out the systems that they had in place that, in 24 I don't know who put this together. It could

Page 173 Page 174 1 have been me. It doesn't say what it's 1 didn't know whether or not that meant compliant 2 2 compliant with. with DEA regulations? 3 Q. Well, you work in the DEA 3 MR. ANDRISANI: Objection, asked 4 compliance department, you know what you're 4 and answered. 5 talking about when you say not compliant, don't 5 THE WITNESS: What I'm saying is 6 6 I'm not sure what the person who wrote you? 7 A. Again, no, I said I didn't have 7 this intended that to say. 8 8 the experience overseeing a suspicious order BY MR. CARTMELL: 9 monitoring program the size and scope of Teva's 9 Q. Okay. At any rate, whoever wrote 10 10 this intended to say that the suspicious order monitoring program and the Know your Customer 11 Q. I understand. 11 12 But whoever put this together, 12 program were putting the company at risk related 13 you as the reader, as a DEA compliance expert at 13 to DEA sanctions, and that needed to be the that time, knew that when it said not compliant, company's highest priority to make improvements 14 14 15 it was referring to not compliant with the DEA 15 and close the gaps, correct? MR. ANDRISANI: Objection, form. 16 16 regulations, correct? 17 A. I would assume that it would need 17 It misstates what's on the paper. 18 some work. 18 BY MR. CARTMELL: 19 O. You understood that that meant 19 O. Go ahead. 20 not compliant with the DEA regulations, correct? 20 A. It says that it was a risk and we 21 A. It does not say that. It just 21 should give it high priority. 22 says "not compliant." 22 Q. Okay. Below it says, "DEA will 23 Q. Okay. Is your testimony to the 23 use its authority to revoke and suspend jury that when it says "not compliant," you 24 24 registrations in appropriate cases." Page 175 Page 176 You see that? 1 1 the DEA has said, is to get to know your 2 2 A. Yes. customers, correct? 3 Q. Does that help you to understand 3 MR. ANDRISANI: Objection, form. 4 where it says under number 2 Know your Customer 4 THE WITNESS: Yes. 5 program if they were talking about not being 5 BY MR. CARTMELL: 6 compliant with the DEA? 6 Q. And do investigation on your 7 A. I would assume that that's what 7 customers to see if possibly they're involved in 8 they were referencing. 8 suspicious activity related to controlled 9 Q. Okay. Know your Customer 9 substances, correct? 10 program, tell the jury what that is? 10 MR. ANDRISANI: Objection, form. 11 A. It's looking into your customers, 11 THE WITNESS: Yes. 12 knowing the background, the officers. It's due 12 BY MR. CARTMELL: 13 diligence on your customer. 13 And what this document says is 14 Q. And we saw the phrase due 14 that at this time, Teva was not compliant in 15 diligence in the law from Mr. Rannizzisi in his 15 that regard, correct? 16 letter, correct? 16 MR. ANDRISANI: Objection. 17 A. I think so. 17 THE WITNESS: That's what it says 18 Q. And so the law requires for 18 here. 19 manufacturers and sellers of opioids like Teva 19 BY MR. CARTMELL: 20 that if they have potentially suspicious orders, 20 Q. I want to ask you -- strike that. 21 they have to do due diligence and actually do 21 And then if you go through the 22 investigation of those, correct? 22 next several pages, there is information put 23 A. Yes. 23 together that summarizes, for example, the law 24 And part of that investigation, 24 that we already went through from the DEA

Page 177 Page 178 1 letter, correct? 1 Okay. And then the DEA as far 2 2 back as the early 2000s had actually given A. Yes. information to distributors of controlled 3 And it -- you had gathered 3 O. substances and manufacturers of controlled 4 information on what the best practices were for 4 5 a suspicious order monitoring program, correct? 5 substances of questions that might be asked to MR. ANDRISANI: Objection as to 6 customers to determine whether orders are 6 7 form with respect to her preparing this. 7 suspicious, correct? 8 THE WITNESS: This document does 8 A. I believe so. 9 contain information about other 9 Okay. And that's included in 10 here as well, correct? companies. 10 Yes. 11 BY MR. CARTMELL: 11 A. 12 Q. I'll restate it to hopefully take 12 And then I want to ask you about 13 care of the objection. 13 the page at last three digits of the Bates 886. 14 And then the attachment pages 14 Ms. McGinn, if you look at page 15 also include information that you or somebody 15 886, the title of that is "What are the current 16 16 gathered about what the best practices are challenges to industry to implement these 17 related to having a suspicious order monitoring 17 programs?" 18 program, correct? 18 Do you see that? 19 A. It looks like information that 19 A. Yes. 20 20 was available. I don't -- I have to look And that's -- that's when it says 21 through it to see if it's best practices 21 programs referring to, I take it, suspicious 22 necessarily. Oh, there is best practices. 22 order monitoring programs? 23 Q. You see that? 23 A. Yes. 24 A. Yes. 24 And you'll see it's talking Q. Page 179 Page 180 It states, "We may be able to use 1 specifically about Teva challenges. 1 2 Do you see that? 2 the data to identify high risk organizations." 3 Yes. 3 Do you see that? A. 4 Number 1 has to do with sales 4 Yes. Q. A. 5 downstream; is that right? 5 What data is that talking about? 6 A. Yes. 6 I have to assume it's the 7 7 O. And we'll talk about this in some chargeback and rebate information two bullets 8 detail, but one of the things the DEA wanted 8 above. 9 manufacturers and distributors to do was to get 9 Oh, I'm sorry, two bullets above Q. 10 to know their customers and even get to know 10 it states, it may be possible to use 11 their customers' customers, right? 11 chargeback/rebate information to see customer 12 MR. ANDRISANI: Objection, form, 12 further down the supply chain, but the 13 lacks foundation. 13 information is only visible to indirect THE WITNESS: The -- that was a 14 14 shipments to wholesalers. 15 15 comment the DEA made. You see that? 16 BY MR. CARTMELL: 16 17 Q. Okay. And one of the ways you 17 And what is chargeback or rebate 18 know from your experience as a DEA compliance 18 data? 19 officer is to actually gather information or do 19 A. It's a -- I'm trying to think how 20 due diligence on your customer's customer, 20 to explain this. There's a contract price for 21 right? 21 drugs and if it -- one of our contracted 22 22 One of the things that we would customers sells for less than the contracted 23 try to do is have some visibility downstream. 23 amount, they have the opportunity to apply for a 24 Q. Right. 24 rebate or chargeback for the difference.

Page 181 Page 182 1 Q. I see. And is it true that you 1 didn't start using chargeback data until 2015? 2 have learned as a DEA compliance expert that 2 A. I couldn't tell you what Dennis 3 that sort of data helps you to determine whether 3 Ferrell did before I got to Teva or took over 4 or not orders are suspicious? 4 the group in 2012. 5 5 A. It can give us visibility Q. You took over the group in 2012, and you know that at that time chargeback data 6 downstream to see if there is suspicious 6 7 activity. 7 was not being used, correct? 8 And at this time Teva had not and 8 A. Dennis Ferrell was not a part of O. 9 was not using chargeback data to try to 9 the process, and we were trying to figure out 10 determine whether or not there were suspicious 10 what that process was. It was probably not 11 orders, correct? 11 being used. 12 A. I really don't know what they 12 Q. And you know that when you took 13 were doing at the time, before I got there. I 13 over the program in 2012, it was not actually 14 think the document is saying that we could use 14 then used until 2015, correct? 15 it. I don't know if they were actually looking 15 I'm not -- I don't know what 16 16 at it. year. 17 Q. Okay. Well, it says we may be 17 It then states, number 3, 18 able to use it, so doesn't that mean to you, 18 "Balancing business relationships with DEA 19 most likely, that they hadn't been doing it? 19 reporting requirements - what are the legal 20 20 A. I couldn't say whether they were ramifications of refusing to fill an order and 21 or not, to be honest. 21 reporting the order as suspicious to the DEA?" 22 Q. Well, don't you know actually, 22 Do you see that? 23 and we'll look at this later in your employment 23 Yes. A. 24 file, but don't you know that, in fact, Teva 24 And business relationships you're Q. Page 183 Page 184 BY MR. CARTMELL: talking about are the relationships between Teva 1 1 2 and the customers, right? 2 Q. Right. And so at this point, 3 3 there was a lack of resources and it was A. Yes. 4 And is it true that when putting 4 preventing Teva from doing adequate O. 5 5 together an appropriate anti-diversion investigations of the orders of interest, 6 monitoring program related to opioids that the 6 correct? 7 business relationships are the sales and the 7 MR. ANDRISANI: Objection, form. THE WITNESS: Due diligence does 8 potential of losing those sales should not win 8 9 out over patient safety? 9 not have to be -- have to be an on site 10 10 visit. I mean, there could be other due A. Never. 11 It states in number 4, "Lack of 11 diligence efforts to know your customer 12 resources to conduct due diligence audits of 12 without having to go through their site. 13 customers and to thoroughly investigate 'orders 13 MR. CARTMELL: Objection, move to 14 of interest." 14 strike. 15 15 Do you see that? BY MR. CARTMELL: 16 Yes. 16 A. My question is a little bit 17 So at this time when you joined 17 different. this organization, Teva and the DEA compliance 18 18 At the time you joined this 19 division, there was a lack of resources in the 19 department and you were looking at whether or 20 20 not there was a valid compliant suspicious order division, correct? 21 MR. ANDRISANI: Objection, form. 21 monitoring program, one of the challenges Teva 22 THE WITNESS: There were a lack 22 had is that there was a lack of resources to 23 of resources to conduct due diligence 23 allow your DEA compliance department to do due 24 audits from what this says. 24 diligence audits, correct?

Page 185 Page 186 1 MR. ANDRISANI: Objection, form. 1 says. 2 THE WITNESS: At the time this 2 BY MR. CARTMELL: 3 3 was written, I was not in charge of the Q. Okay. And you found that 4 group, but I -- when I took over the 4 actually when you took over the department, 5 5 group, I would say that we needed correct? 6 6 A. I wanted more people in dedicated people to do audits. 7 BY MR. CARTMELL: 7 suspicious order monitoring. 8 Q. Okay, I'm going to ask you this 8 Q. And it also says there was a lack 9 9 question to see if I can get your answer to it. of resources to allow the company, Teva, to 10 10 If you can't answer it, that's fine, just tell thoroughly investigate orders of interest, 11 11 correct? me. 12 12 At the time -- and I'm going to MR. ANDRISANI: Objection, form. 13 try to correct the question because you said it 13 THE WITNESS: That's what it 14 14 when you took over. says. 15 At the time that you were doing 15 BY MR. CARTMELL: 16 this analysis or people were putting this white 16 Q. And you found that too, when you 17 paper together to determine whether or not the 17 started taking over this department and the 18 suspicious order monitoring program was 18 suspicious order monitoring program, that there 19 appropriate and compliant, at that time, 19 was a lack of resources not adequately allowing 20 20 according to this document, there was a lack of you to thoroughly investigate these potentially 21 resources at Teva to conduct due diligence 21 suspicious orders, right? 22 22 A. When I took over the group, I audits of customers, correct? 23 MR. ANDRISANI: Objection, form. 23 wanted people dedicated to investigating orders 24 THE WITNESS: That's what it 24 of interest. Page 187 Page 188 And there hadn't been that MR. ANDRISANI: Objection, form. 1 1 Q. 2 before, had there? 2 THE WITNESS: I'd agree. 3 A. They had a team of people that 3 BY MR. CARTMELL: 4 did suspicious order monitoring, plus other DEA 4 Q. So this number 5, would you agree 5 compliance activities. 5 with me, that shouldn't be anywhere in anybody's 6 Q. And what you found, and do you 6 mind about being relevant to whether or not you 7 agree with this, that that lack of resources 7 have a valid program, correct? 8 actually was limiting the ability to thoroughly 8 MR. ANDRISANI: Objection, form. 9 investigate these potentially suspicious orders? 9 THE WITNESS: I think it's listed 10 A. That's what it says here. 10 as a challenge. 11 Q. And did you find that to be true? 11 BY MR. CARTMELL: 12 A. If we're looking backwards, I 12 Q. And it's a challenge because you couldn't tell you. Looking forward, the way I 13 13 know from being in this industry for so long, 14 wanted it handled, I needed additional people. 14 there's a sales side of these pharmaceutical 15 Q. Okay. And then it states in 15 companies that their job is to sell as much 16 number 5, "Cooperation from customers - how much 16 product as possible, correct? 17 are they willing to share and will inquiries 17 MR. ANDRISANI: Objection, form. 18 drive business away?" THE WITNESS: They want to sell 18 19 Do you see that? 19 as much pharmaceutical product to 20 20 legitimate customers as they can. A. Yes. 21 But, as we discussed, whether or 21 BY MR. CARTMELL: 22 not you lose business and lose profits should 22 Q. Right. And the reason they want 23 not be what drives you on whether or not to have 23 to sell as much as possible of these opioids, 24 a valid program, correct? 24 for example, is because their bonuses in part

	Page 189		Page 190
1	depend on it, correct?	1	as a pharmaceutical company and you are
2	MR. ANDRISANI: Objection, form.	2	identifying suspicious orders and you are
3	THE WITNESS: The salespeople?	3	stopping those orders from shipping, the company
4	BY MR. CARTMELL:	4	might lose sales, correct?
5	Q. Yes.	5	MR. ANDRISANI: Objection, form.
6	A. Honestly, every I don't know	6	THE WITNESS: It's possible.
7	what the salespeople do make, what their bonus	7	BY MR. CARTMELL:
8	is, I don't know.	8	Q. And the sales side of the
9	Q. Salespeople sell, right?	9	company, you know from your experience might be
10	A. Yes.	10	reluctant to allow that to happen, correct?
11	Q. And that's what this is talking	11	MR. ANDRISANI: Objection, form.
12	about is, you know, losing business is a	12	THE WITNESS: The sales team
13	challenge for Teva when it comes to compliance,	13	would not want to damage a relationship
14	correct?	14	they had with a customer, but, you know,
15	MR. ANDRISANI: Objection, form.	15	would still they would still want to
16	THE WITNESS: I believe we were	16	be in compliance with regulations.
17	saying it was what is being said here	17	BY MR. CARTMELL:
18	is that it would be a challenge, whether	18	Q. Okay. Now, all of this
19	there was for customer service to deal	19	preparation of the white paper and the material
20	with, but somebody should be aware that	20	that had been put together by someone in the
21	we were going to face some challenges	21	group related to the DEA regulations and the law
22	with the customers.	22	and the best practices, that was in preparation
23	BY MR. CARTMELL:	23	for a meeting that you were going to have with
24	Q. And if you're compliant, right,	24	your superiors; is that correct?
	Danie 101		Davis 200
1	Page 191	1	Page 200
1	A. Yes.	1 2	THE VIDEOGRAPHER: We are back on
2	Q. And I'm going to hand you Exhibit		the record at 2:02.
3	12.	3 4	MR. ANDRISANI: Thank you for the break. This is Nate Andrisani on behalf
4 5	(Document marked for	5	of Teva, and after reviewing what was
6	identification as McGinn Deposition	6	marked as Exhibit 12 and counsel began
7	Exhibit No. 12.) [The following portion of this	7	to ask questions about, we've determined
8	transcript are deemed Attorneys' Eyes	8	that this document in Teva's efforts to
9	-	9	comply with discovery and cooperate as
10	Only. As per counsel's instructions,	10	much as it could in producing documents
11	pages 192 through 199 are contained in a	11	inadvertently produced a document that
12	separate booklet.)	12	is privileged. It's to counsel. It
13		13	appears to be seeking legal advice. It
14		14	also refers to other discussions with
15		15	counsel, and, accordingly, we are
16		16	clawing back what was produced and
17		17	marked as Exhibit 12, which bears
18		18	Teva MDL A 06925565 through 588, clawing
		19	that back and designating it as
19		20	
20		21	privileged at this time. We will take
			steps to claw it back from everywhere
21		,,,,	
22		22	that it was inadvertently produced. In speaking with counsel and
22 23		23	In speaking with counsel and
22			· -

Page 201 Page 202 1 we've agreed that for the time being, 1 and asserting the claw back. 2 the testimony that was presented on the 2 I'm not sure exactly how the 3 questioning with respect to Exhibit 12 3 privilege and claw back procedures are 4 will be -- we're moving to strike from 4 to apply in the instance of a deposition 5 5 it the record officially but will be and a deposition exhibit testimony, but 6 deemed attorneys' eyes only and will be 6 we, you know, fully intend to comply 7 7 with whatever orders might be redacted from the transcript that is 8 8 applicable. In the event the orders circulated amongst the parties in this 9 matter until time where the plaintiffs 9 don't precisely fit the situation, we 10 can bring a motion either to declare 10 are amenable to having the portions of 11 this not privileged or that it was -- or 11 the transcript and the exhibit be 12 the privilege was waived or that we can 12 excerpted from the circulated draft of 13 13 defeat such a motion or if that can be the rough and the final until such time 14 14 resolved between the parties externally, as it is -- the issue is resolved and 15 but there will be no more questioning on 15 that the excerpted or removed portions 16 Exhibit 12 today. It was inadvertently 16 would be for attorneys' eyes only and 17 produced as privileged information, and 17 not to be circulated outside of the 18 we're clawing it back by agreement. 18 plaintiffs' attorneys and also to 19 MR. CRAWFORD: Okay. And the 19 potentially our privilege counsel, 20 plaintiffs' response is that we disagree 20 Anthony Irpino. 21 that this is a privileged document or it 21 MR. ANDRISANI: Okay. And then 22 should be withheld based on privilege, 22 it would be limited to -- and it would 23 but we are mindful in understanding that 23 be limited Teva's attorneys as well, the 24 24 other parties excluded. counsel is asserting the privilege here Page 203 Page 204 MR. CRAWFORD: Exactly, Teva's 1 1 Do you recall that? 2 attorneys. With that we're agreeable, 2 We were looking for improvements 3 but we're going to check on the 3 to the program, yes. 4 procedures, and if there's any issue 4 Q. Okay. Well, you were going to 5 there or change that there is, in fact, 5 launch a new program, correct? 6 addressed, we'll try to implement those 6 Yes. A. 7 7 Q. Okay. And one of the things that procedures. 8 The other thing we'd like to 8 you were asked to do by your superiors was to 9 assert too is that if it turns out this 9 actually do a gap analysis related to the 10 is ruled to be not privileged, that we 10 program, correct? 11 reserve our right to recall the witness 11 A. I don't recall if it was a gap 12 and be able to question her on this 12 analysis or gathering data about suspicious 13 document on related topics. 13 order monitoring. Based on what I've seen here, 14 MR. ANDRISANI: Understood, thank 14 it was gathering data to say what should happen 15 15 or best practices or any information that we can you. 16 use to build a better program. BY MR. CARTMELL: 16 17 17 Q. Let me -- strike that. Ms. McGinn, we're back on the record after a break. 18 18 And the reason you want to make 19 Are you ready to proceed? 19 sure you're building a better program or, as we 20 A. Yes. 20 just discussed, launching a new program is 21 Before the break we were talking 21 because you want to make sure that the program 22 about 2012 and your involvement with now trying 22 is actually able to identify suspicious orders 23 to implement a new suspicious order monitoring 23 and prevent diversion, correct? 24 program. 24 We want to stay on top of the

Page 205 Page 206 1 regulation and be compliant with DEA. 1 We go over the bare minimum and several aspects of DEA compliance. 2 Q. Well, is the goal just to be 2 3 3 So patient safety should be the compliant with the DEA, or is the goal the 4 safety of patients and people? 4 goal and shouldn't be trumped by whether or not 5 MR. ANDRISANI: Objection, form. 5 you were just meeting the bare minimum that the THE WITNESS: DEA writes 6 6 DEA requires, correct? 7 regulation for the safety of the 7 MR. ANDRISANI: Objection, form. 8 patients, and if we comply with the DEA 8 THE WITNESS: My job is to ensure 9 regulation, then, ultimately, yes, it's 9 that we're in compliance with DEA 10 10 for patient safety. regulations or better. BY MR. CARTMELL: 11 BY MR. CARTMELL: 11 12 12 Q. Right, and we've already seen Q. Or better so that patients are 13 that in one respect the program was found in the 13 safe, right? 14 executive summary to be noncompliant, correct? 14 MR. ANDRISANI: Objection to 15 MR. ANDRISANI: Objection, form. 15 form. 16 THE WITNESS: A portion. 16 THE WITNESS: Ultimately, yes. 17 BY MR. CARTMELL: 17 (Document marked for 18 18 identification as McGinn Deposition Q. And you don't want to do the bare 19 minimum, do you? 19 Exhibit No. 13.) 20 20 BY MR. CARTMELL: A. No. 21 Q. I mean, you want to do more than 21 Q. I'm going to hand you what's been 22 just the bare minimum to ensure that these drugs 22 marked as Exhibit 13. 23 are not diverted and causing deaths and 23 Exhibit 13 was produced from 24 overdoses and things like that, correct? 24 Teva's internal files in this litigation and Page 207 Page 208 1 from your custodial file specifically, and as 1 research at that time, is required for a full 2 2 you can see, this is a PowerPoint presentation and robust suspicious order monitoring program? 3 titled "Suspicious Order Monitoring." 3 A. Based on the information I had at 4 Do you see that? 4 the time, yes. 5 Yes. 5 Q. Okay. And at this time, based on A. 6 Q. And, actually, I think you put 6 all the information you had, you felt that you 7 this together; is that right? 7 not only needed to do first line customer 8 A. I believe I did. 8 vetting of customers, you needed to do an 9 9 analysis of the customer orders and then And who did you present this to; Q. 10 10 subsequently downstream customer monitoring, do you know? 11 I don't remember if this was for 11 correct? 12 the team of people that Chris was presenting to 12 Yes. A. 13 for buy in to the program. I don't remember if 13 Okay. And you couldn't recall if it was to Chris. I don't remember. 14 14 you did an actual gap analysis, but if you take 15 a look at slide 5. 15 Q. Okay. If you go to the second page, you have a slide titled "Complete SOM 16 16 17 Solution." 17 Q. Actually, this might be a page off. There's a slide that is titled "Gap 18 Do you see that? 18 19 Yes. 19 Assessment." 20 Complete suspicious order 20 Do you see that? 21 monitoring solution; is that right? 21 That's 6, yes. 22 Yes. 22 Q. And so does this refresh your A. 23 And it looks like from this, it's 23 recollection that, in fact, you did do a gap Q. 24 talking about what you believe, based on your 24 assessment on the suspicious order monitoring

1 2	Page 209		Page 210
	program?	1	Q. And do you mean by that that for
	A. Yes.	2	all of Teva's customers that were ordering, for
3	Q. And as we saw previously in the	3	example, opioids, Teva needed to actually do
4	executive summary that was produced from the	4	some due diligence things and investigate those
5	files, the goal of your company actually making	5	customers to make sure that they didn't have
6	this the highest priority was to try to close	6	suspicious activity going on, for example?
7	the gap and make the program compliant, correct?	7	A. Yes.
8	MR. ANDRISANI: Objection, form,	8	Q. And then you say current
9	lacks foundation.	9	suspicious order monitoring program, you mean
10	THE WITNESS: It was to make sure	10	the current program at Teva, right?
11	that the program was in compliance.	11	A. At the time, yes.
12	BY MR. CARTMELL:	12	Q. And so all that was being done at
13	Q. Okay. And the way to do that is	13	Teva at this time was that Teva was checking
14	close the gaps, right?	14	bank references of the clients and also Dunn and
15	A. Yes.	15	Bradstreet reports for the clients, correct?
16		16	MR. ANDRISANI: Object to the
			5
17	want to explain sort of to the jury what your	17	form. THE WITNESS: Based on the
18	slide here means, but on the left, if you look	18	
19	under "Activity," that is the sort of the	19	information I had at the time, that's
20	first prong of what you thought was an	20	what I understood the current program to
21	appropriate suspicious order monitoring program,	21	be.
22	and that was "first-line customer vetting,"	22	BY MR. CARTMELL:
23	correct?	23	Q. Right, and you were asked to
24	A. Yes.	24	investigate this by your superiors, correct?
	Page 211		Page 212
1	A. Yes.	1	
		±	Q. And that is a program that you
2	Q. Okay. And I take it you did a	2	1 5
3	Q. Okay. And I take it you did a full and complete investigation?		Q. And that is a program that you thought would be in compliance and satisfying the law of the DEA?
	full and complete investigation?	2	thought would be in compliance and satisfying the law of the DEA?
3	full and complete investigation? A. I hope so.	2 3	thought would be in compliance and satisfying the law of the DEA? MR. ANDRISANI: Objection.
3 4	full and complete investigation? A. I hope so. Q. Okay. Well, then there's this	2 3 4	thought would be in compliance and satisfying the law of the DEA?
3 4 5	full and complete investigation? A. I hope so. Q. Okay. Well, then there's this big blanks below that and that blank space	2 3 4 5	thought would be in compliance and satisfying the law of the DEA? MR. ANDRISANI: Objection. THE WITNESS: That's a program that I thought at the time would be in
3 4 5 6 7	full and complete investigation? A. I hope so. Q. Okay. Well, then there's this big blanks below that and that blank space basically is the gap that needs to be filled in,	2 3 4 5 6	thought would be in compliance and satisfying the law of the DEA? MR. ANDRISANI: Objection. THE WITNESS: That's a program that I thought at the time would be in compliance with DEA.
3 4 5 6	full and complete investigation? A. I hope so. Q. Okay. Well, then there's this big blanks below that and that blank space basically is the gap that needs to be filled in, correct?	2 3 4 5 6 7	thought would be in compliance and satisfying the law of the DEA? MR. ANDRISANI: Objection. THE WITNESS: That's a program that I thought at the time would be in compliance with DEA. BY MR. CARTMELL:
3 4 5 6 7 8	full and complete investigation? A. I hope so. Q. Okay. Well, then there's this big blanks below that and that blank space basically is the gap that needs to be filled in, correct? MR. ANDRISANI: Objection, form.	2 3 4 5 6 7 8	thought would be in compliance and satisfying the law of the DEA? MR. ANDRISANI: Objection. THE WITNESS: That's a program that I thought at the time would be in compliance with DEA. BY MR. CARTMELL: Q. Okay. And there's lots of things
3 4 5 6 7 8	full and complete investigation? A. I hope so. Q. Okay. Well, then there's this big blanks below that and that blank space basically is the gap that needs to be filled in, correct? MR. ANDRISANI: Objection, form. THE WITNESS: I don't know that	2 3 4 5 6 7 8	thought would be in compliance and satisfying the law of the DEA? MR. ANDRISANI: Objection. THE WITNESS: That's a program that I thought at the time would be in compliance with DEA. BY MR. CARTMELL: Q. Okay. And there's lots of things listed there that needed to be done in order to
3 4 5 6 7 8 9	full and complete investigation? A. I hope so. Q. Okay. Well, then there's this big blanks below that and that blank space basically is the gap that needs to be filled in, correct? MR. ANDRISANI: Objection, form. THE WITNESS: I don't know that that's the blank space. It's just blank	2 3 4 5 6 7 8 9	thought would be in compliance and satisfying the law of the DEA? MR. ANDRISANI: Objection. THE WITNESS: That's a program that I thought at the time would be in compliance with DEA. BY MR. CARTMELL: Q. Okay. And there's lots of things
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	Page 213		Page 214
1	that was my idea for a model program.	1	A. Yes.
2	Q. And Teva was not doing that,	2	Q. And some of these ideas that you
3	correct?	3	got came from what other manufacturers of
4	A. No.	4	opioids were already doing in their programs,
5	O. There needed to be a customer	5	correct?
6	self-assessment questionnaire, right?	6	A. Yes.
7	A. Again, not specifically called	7	Q. Okay. But Teva Teva wasn't
8	out in a DEA regulation, but it was an idea that	8	doing either the customer responsibility
9	I came up with.	9	agreement or the self-assessment questionnaire,
10	Q. Okay. But you also, from the	10	correct?
11	documents I've seen in your file, you also were	11	A. Correct.
12	talking to representatives of other companies,	12	Q. You said that there should be a
13	for example, correct?	13	risk score assignment for each of the customers,
14	A. Yes.	14	correct?
15	Q. And you were asking them what	15	A. Yes.
16	they did for their suspicious order monitoring	16	Q. And Teva wasn't doing that,
17	programs, right?	17	correct?
18	A. Yes.	18	A. No.
19	Q. In fact, you talked to	19	Q. You said that there needed to be
20	representatives of Mallinckrodt?	20	a method for reporting unusual transactions,
21	A. Yes.	21	correct?
22	Q. And that's another pharmaceutical	22	A. Yes.
23	company that sells manufactures and sells	23	Q. And Teva was not doing that
24	opioids, correct?	24	either, correct?
	cp. 5146, 462, 1644		
	Daga 215		
	Page 215		Page 216
1		1	
1 2	A. They did not have a written	1 2	Page 216 algorithm that would flag potentially suspicious orders?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. They did not have a written method for reporting unusual transactions. Q. But you felt they needed one, right? A. Yes. Q. If you go to the next page of your gap assessment the activity listed is "SORDS." Do you see that? A. Yes. Q. What is SORDS? A. That was Teva's electronic database that all of the controlled substance orders ran through for evaluation. Q. So let me let me see if I understand that. Does that mean when orders would come in for, for example, opioids from customers, they would put be put through this computer algorithm called SORDS? A. Yeah, all control the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	algorithm that would flag potentially suspicious orders? MR. ANDRISANI: Objection. THE WITNESS: It was the computerized algorithm that would flag potentially suspicious orders. BY MR. CARTMELL: Q. Okay. And you say that the current program at Teva included validation of the customer's DEA registration, right? A. Yes. Q. So you would just make sure that your customer had a valid license, right? A. Yes. Q. And then Teva would also verify normal ordering patterns based on 24 months of historical data by that product class, correct? A. Yes. Q. So that was the two I'm not a computer guy, but the two factors that the SORDS algorithm would look at to try to flag
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Page 217 Page 218 1 THE WITNESS: That's what I 1 THE WITNESS: The computer system 2 understood at the time. 2 did not do that, but that does not mean 3 BY MR. CARTMELL: 3 it wasn't being done manually. 4 Q. Okay. And then you looked at the 4 BY MR. CARTMELL: 5 gap between what Teva was doing and what you 5 Q. Okay. But when you're talking 6 thought based on all your research and talking 6 about SORDS, we know that Teva's computer 7 to other companies and reviewing the literature 7 program was not doing anything but identifying 8 and talking to consultants what a model computer 8 orders of unusual size, right? 9 algorithm product should be, correct? 9 The computer program, yes. 10 10 A. Yes. Okay. And just so it's clear to 11 And that includes that the the jury, we know that the actual law, the O. 11 12 computer program for a model program should look 12 regulations from the DEA say that you have to 13 at orders of unusual size, frequency or 13 look not only at suspicious orders based on 14 deviating from a normal pattern, right? 14 unusual size but also based on unusual frequency 15 MR. ANDRISANI: Object to form. 15 or those that deviate from the normal pattern, 16 THE WITNESS: Yes. 16 correct? 17 BY MR. CARTMELL: 17 Yes, but it doesn't say that it all has to be done electronically, doesn't say 18 Q. And it's true that at the time 18 19 that you did this gap assessment, the computer 19 how to do that. 20 algorithm that Teva was using was not actually 20 I understand. I understand. Q. 21 able to identify orders that were unusual 21 A. Yes. 22 frequency or deviating from the normal pattern, 22 But it's just required to look at 23 correct? 23 all those things and make sure you're looking at 2.4 MR. ANDRISANI: Objection. 24 all those things to try to determine if an order Page 219 Page 220 1 computerized program should look at a comparison is suspicious? 1 2 A. That's the regulation, but it 2 of the order with registrants or other customers 3 doesn't say how to do it. 3 of the same type, right? 4 Q. Okay. Then, secondly -- strike 4 A. Yes. 5 5 And so an example of that would that. 6 But you felt that the computer 6 be if the customer, for example, was a wholesale 7 program should have that capability, and 7 distributor that was a small wholesale 8 currently at Teva it didn't, correct? 8 distributor, for example, you would want to 9 MR. ANDRISANI: Objection, form. 9 compare that size wholesale distributor to other 10 THE WITNESS: I felt that the 10 customers of that size, correct? 11 program should have it, and if a 11 A. Yes. 12 computerized system could do it, then we 12 And, currently, at this time when Q. 13 should have the computerized system take 13 you were doing your gap assessment, Teva's 14 care of the other components. 14 program was not looking at that, correct? BY MR. CARTMELL: 15 It doesn't appear that it was at 15 16 16 the time. Q. And it's true, isn't it, that 17 when you talked to other companies, distributors 17 Q. Okay. You also wanted your computer program to look at the location 18 and manufacturers, you found out that their 18 19 computerized systems actually did that? 19 actually of the customer, right? 20 20 A. I don't know at the time this was A. I wanted a review of the customer 21 written that I knew that. 21 location to be included in an SOM program. 22 You figured that out later? 22 Q. Well, did you want it --Q. 23 A. Yes. 23 A. Whether or not the computer could Okay. You also state that the 24 24 do it or not remained to be seen.

Page 221 Page 222 1 Q. Okay. And is the reason why you 1 review the RiskMap or REMS data in the 2 2 wanted the location to be included because, as a program in its entirety. 3 3 DEA expert, you knew that there were certain BY MR. CARTMELL: 4 locations in the country where, for example, 4 Q. I see. Whether or not it's done 5 diversion of opioids or other controlled 5 by the computer? 6 substances is greater than other places? 6 A. Right. 7 7 Q. And we know that at this time, A. Yes. though, Teva's suspicious order monitoring 8 Okay. For example, at this time 8 O. 9 program was not doing that, correct? 9 Florida, correct? 10 10 A. I do not believe that Teva had a A. 11 REMS program in place at the time. We brought 11 Okay. But Teva's system at the 12 time at least was not including that type of 12 REMS with the Fentora and Actiq from Cephalon. 13 information in the analysis, correct? 13 They may not have -- I don't think that they had 14 REMS programs for any of their products. 14 It didn't appear so at the time, 15 15 Q. Did they have RiskMap? no. 16 16 A. I don't know. Okay. Then you wanted the 17 computerized algorithm to also look at RiskMap 17 Okay, but -- okay. Next it states, "Breadth and type 18 or REMS data. 18 19 19 of products ordered." You wanted the program to Do you see that? 20 20 MR. ANDRISANI: Objection, form. include a look at that information, correct? 21 THE WITNESS: Yeah, I don't want 21 MR. ANDRISANI: Objection, form. 22 to say that I wanted the computerized 22 THE WITNESS: Yes. 23 system, the algorithm to look at RiskMap 23 BY MR. CARTMELL: 24 or REMS, but it should be -- we should 24 Q. And, currently, Teva's product or Page 223 Page 224 program was not doing that, correct? 1 making a decision. 1 2 2 And Teva wasn't doing that when A. Yes. 3 3 you took over, correct? And then, finally, you wanted 4 orders of interest investigations done through a 4 Not that I know of. 5 proceduralized process and to be reviewed by an 5 Okay. And so from perspective of 6 oversight committee? 6 the gap analysis related to the computer 7 7 A. Yes. algorithm, there were big gaps between what Teva 8 Q. And those things were not 8 was doing and what you felt should be done, 9 currently being done at Teva, correct? 9 correct? 10 A. I do not believe that there were 10 MR. ANDRISANI: Objection, form. 11 written procedures in place at Teva. They may 11 THE WITNESS: Again, all of the 12 have had a procedure but not in writing and --12 things I have listed in the model 13 You just don't recall? 13 program did not necessarily have to be 14 A. I don't remember. 14 taken care of by a computerized Q. 15 algorithm but should be a part of the 15 Okay. 16 They had a -- they had a system, 16 program in its entirety. 17 they had a procedure, I don't think that it was 17 BY MR. CARTMELL: Q. I understand, but you wouldn't 18 in writing. 18 19 Q. Okay. But you also wanted there 19 have put these things here if they were 20 to be an oversight committee that would be 20 currently being done by Teva, correct? 21 formed to monitor this program, correct? 21 Agreed. 22 A. I wanted an oversight committee 22 Okay. So my point is there were 23 to review any potential actions, any results of 23 big gaps between what you looked at in the 24 investigations so that we weren't the only ones 24 program, whether it's SORDS or not, related to

Page 225 Page 226 1 what you think -- you thought the program should 1 at Cephalon. We had a third party distributor, 2 from what I can recall, that had a computerized 2 do, correct? 3 3 MR. ANDRISANI: Objection, form. system. Was Cephalon actually using a 4 THE WITNESS: There were things 4 5 that I thought that could be improved 5 third party to do their suspicious order than what they were currently doing. 6 monitoring? 6 7 BY MR. CARTMELL: 7 A. We -- when I say "we," Cephalon 8 Q. It was multiple things, correct? 8 reviewed the orders manually, processed them, 9 Multiple things. 9 sent them to the third party, and then those 10 Okay. If you go to the next 10 orders would have been processed through their page -- let me ask you, because I forgot to, electronic system, but we ultimately reviewed 11 11 12 about SORDS. 12 and approved before it got to them. 13 Was SORDS the computer program 13 Q. I'm confused, because when they 14 that Cephalon was using and brought over with 14 would be reviewed by you and then sent to them, 15 them? 15 was that -- were those orders sent to them to 16 16 try to do some algorithm to find out if they A. No. 17 Q. Teva already had it? 17 were suspicious or not? 18 A. Yes. 18 A. I think it was a second review, 19 O. What was the computer program 19 say that Cephalon reviewed orders manually, that Cephalon was using? 20 looked to see if there was anything out of line. 20 21 There was not a computer program. 21 If there was, and it was not done by me, it was 22 Was there any type of computer 22 done by the distribution and logistics people, Q. 23 algorithm at Cephalon at all? 23 if there was anything suspicious, they would 24 There was not a computer program 24 have reported it to me, and then those orders Page 227 Page 228 1 one of the areas in the executive summary that 1 would have been sent to the distribution center 2 2 we looked at that was found to be noncompliant and processed through their electronic system. 3 Who is the third party that would 3 at this time, correct? Q. 4 process those? 4 Was it know your customer or know 5 5 It was Cardinal Health. your customer's customer that was found to be A. 6 So is it correct to say that 6 noncompliant? Q. 7 7 Q. I'm sorry. It may have been know Cephalon was using Cardinal Health in some 8 respects to help with their suspicious order 8 your customer. I think it was. 9 9 Okay. monitoring? A. 10 It would have been a second level 10 Okay. This is different than A. O. 11 11 that? review. 12 Okay. And was Cardinal Health an 12 A. Yes. Q. actual customer of Cephalon's? Okay. But at this time, you felt 13 13 Cardinal would have -- I'm like a model suspicious order monitoring program 14 14 guessing that Cardinal would have been a 15 should include activities of Teva trying to know 15 16 their customer's customers, right? 16 customer of Cephalon's. 17 Q. Like the biggest customer? 17 A. It was trying to know what our customers' customers did with our product 18 One of the big three, yes. 18 19 Okay. The next page of your gap 19 downstream. 20 assessment, the activity that you're looking at 20 Q. And because it gets kind of 21 is what's called "know your customer's 21 confusing when you say customer's customer, I 22 customer," correct? 22 want to try to explain it for the jury and give 23 A. Yes. 23 an example. Sometimes that makes it easier. 24 And just to refer back, this is 24 But, for example, if let's say Q.

Page 229 Page 230 1 one of the big three, AmerisourceBergen has 1 I understand. 2 ordered a bunch of opioids from Teva and then 2 But you knew from talking to 3 3 other representatives of other manufacturers and AmerisourceBergen is going to distribute those 4 opioids to a pharmacy in Florida, the pharmacy 4 distributors that they had been doing that, 5 in Florida would be Teva's customer's customer, 5 6 6 A. I knew that other distributors correct? 7 MR. ANDRISANI: Objection, form. 7 had chargeback information to evaluate. 8 8 THE WITNESS: Yes. Q. And you also knew that Teva was 9 9 not doing anything related to knowing your BY MR. CARTMELL: 10 Q. Okay. So what you're saying is 10 customer's customer at this point, correct? 11 you thought, based on all your research and 11 A. That was my understanding. 12 talking to other companies and looking at the 12 Q. Okay. And so the gap was you 13 DEA guidelines and best practices submissions, 13 felt like rather than do nothing in that regard, 14 that to be compliant you all needed to have in 14 Teva should use Value Centric or chargeback data 15 your program some investigation of that to make 15 to evaluate the risk from your customer's 16 16 customer, correct? sure that you were identifying appropriately 17 suspicious orders of opioids, fair? 17 A. Yes. MR. ANDRISANI: Objection, form, 18 18 Okay. And, in fact, I've seen Q. 19 misstates the testimony. 19 documents on this, and we'll talk about this a 20 THE WITNESS: To improve our 20 little bit more, but at this time, Teva had 21 program I thought we should do whatever 21 chargeback data, correct? 22 we could to know what was happening with 22 They had some chargeback data. 23 our product downstream. 23 Q. And I've seen indications in the 24 24 BY MR. CARTMELL: document that it was approximately like 51% of Page 231 Page 232 1 1 the generic opioids had data like that; is THE WITNESS: A requirement would 2 that --2 be in the regulation. They suggested 3 3 that we use the chargeback data if we A. That's my understanding. 4 Okay. So but even though Teva 4 had it. It is not a regulation. 5 had this chargeback data on 51% of the products, 5 BY MR. CARTMELL: 6 it wasn't using any of that data at this time, 6 Q. I understand it wasn't a 7 7 regulation, but your understanding, based on the correct? 8 MR. ANDRISANI: Objection. 8 documents that I've reviewed, was that you 9 THE WITNESS: That's my 9 believed DEA was requiring it; is that true? 10 understanding. 10 MR. ANDRISANI: Objection. 11 BY MR. CARTMELL: 11 THE WITNESS: DEA was suggesting 12 Q. And you knew at this time, in 12 that we use and look at chargeback data. 2012, from your work with the DEA that, in fact, 13 13 BY MR. CARTMELL: 14 the DEA was requiring companies to use that data 14 Q. And you wanted the program to be 15 to try to find and identify suspicious orders, 15 able to look at that data quarterly, correct? 16 correct? 16 Yes. A. 17 MR. ANDRISANI: Objection, form. 17 Q. And, in fact, it was not until 2015 that Teva started using chargeback data to 18 THE WITNESS: DEA was suggesting 18 19 that you use chargeback data, but it was 19 identify potentially suspicious orders, correct? not specified in the regulation. MR. ANDRISANI: Objection, form. 20 20 21 BY MR. CARTMELL: 21 THE WITNESS: I don't know what 22 22 Q. DEA was requiring it, weren't year we started doing that. 23 they? 23 BY MR. CARTMELL: 24 MR. ANDRISANI: Objection. 24 Q. Okay. We'll come back to that.

1	Page 233		Page 234
	Now, I think that completes your	1	
2	gap assessment that you had done; is that		
3	correct?	2	real quick, but the bottom line is that you were
4	A. Yes.	3	asking your superiors for money to help make this program better able to identify suspicious
		4	, ,
5	Q. Okay. Fair to say would you	5	orders, fair?
6	agree with me that when you did this assessment	6	A. Yes.
7	and actually got in there, looked at everything	7	Q. Okay. And according to your
8	that Teva was doing in their suspicious order	8	calculations, it was going to cost a little more
9	monitoring program versus all the information	9	than half a million dollars to do that, right?
10	you gathered and what you thought the program to	10	A. In-house, yes.
11	identify suspicious orders should look like that	11	Q. Okay. What does that mean?
12 13	there were very large gaps there?	12	A. If we did the work ourselves, if
	A. I would agree there was room for	13	we hired people and did it ourselves, it was
14	improvement.	14	about 500,000.
15	Q. Okay. Would you agree that there	15	Q. Okay. And when you say
16	were very large gaps?	16	"in-house", you did mention hiring people and,
17	A. I would agree that there were	17	actually, you have up there I think
18	gaps and there were several things that we could	18	A. Yes.
19	do to improve it.	19	Q. Yeah, a cost for doing that?
20	Q. Okay. The next slide is actually	20	A. Yes.
21	dealing with the costs to set up this new	21	Q. Hire two FTEs for 150,000
22	program for suspicious order monitoring that you	22	approximately?
23	were going to launch, correct?	23	A. Yes.
24	A. Yes.	24	Q. What are FTEs?
	Page 235		Page 236
1	A. Full-time employees.	1	going to be put together so that you could
2	Q. And did you, in fact, get	2	implement this new program in a timely fashion,
3	authority from your superiors to do that?	3	
4			correct?
	A. Yes.	4	correct? A. Yes.
5		4 5	A. Yes.
5 6	Q. If you turn the page, you talk		A. Yes.Q. And then the next page is next
	Q. If you turn the page, you talk about developing a SOM implementation task	5	A. Yes. Q. And then the next page is next steps and talks about program launched by a
6	Q. If you turn the page, you talk	5 6	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party.
6 7	Q. If you turn the page, you talk about developing a SOM implementation task force, right?	5 6 7	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third
6 7 8	 Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted 	5 6 7 8	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party.
6 7 8 9	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes.	5 6 7 8 9	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"?
6 7 8 9 10	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted to be on that task force, and that was members or a member from diversions	5 6 7 8 9	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"? A. A contractor.
6 7 8 9 10 11	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted to be on that task force, and that was members or a member from diversions operations, legal, commercial sales, IT and	5 6 7 8 9 10 11	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"? A. A contractor. Q. What do you mean a contractor, a consultant?
6 7 8 9 10 11	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted to be on that task force, and that was members or a member from diversions	5 6 7 8 9 10 11	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"? A. A contractor. Q. What do you mean a contractor, a consultant?
6 7 8 9 10 11 12 13	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted to be on that task force, and that was members or a member from diversions operations, legal, commercial sales, IT and customer service, right?	5 6 7 8 9 10 11 12 13	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"? A. A contractor. Q. What do you mean a contractor, a consultant? A. A consultant. I'm sorry, consultant.
6 7 8 9 10 11 12 13	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted to be on that task force, and that was members or a member from diversions operations, legal, commercial sales, IT and customer service, right? A. Yes.	5 6 7 8 9 10 11 12 13 14	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"? A. A contractor. Q. What do you mean a contractor, a consultant? A. A consultant. I'm sorry,
6 7 8 9 10 11 12 13 14	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted to be on that task force, and that was members or a member from diversions operations, legal, commercial sales, IT and customer service, right? A. Yes. Q. Was that program set up?	5 6 7 8 9 10 11 12 13 14	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"? A. A contractor. Q. What do you mean a contractor, a consultant? A. A consultant. I'm sorry, consultant. Q. You're talking about an outside
6 7 8 9 10 11 12 13 14 15	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted to be on that task force, and that was members or a member from diversions operations, legal, commercial sales, IT and customer service, right? A. Yes. Q. Was that program set up? A. I don't I don't know. I mean, we would have had to consult with each one of	5 6 7 8 9 10 11 12 13 14 15 16	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"? A. A contractor. Q. What do you mean a contractor, a consultant? A. A consultant. I'm sorry, consultant. Q. You're talking about an outside consultant?
6 7 8 9 10 11 12 13 14 15 16	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted to be on that task force, and that was members or a member from diversions operations, legal, commercial sales, IT and customer service, right? A. Yes. Q. Was that program set up? A. I don't I don't know. I mean, we would have had to consult with each one of those people to change the SOM system. We would	5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"? A. A contractor. Q. What do you mean a contractor, a consultant? A. A consultant. I'm sorry, consultant. Q. You're talking about an outside consultant? A. Yes. Q. And did you, in fact, hire an
6 7 8 9 10 11 12 13 14 15 16 17	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted to be on that task force, and that was members or a member from diversions operations, legal, commercial sales, IT and customer service, right? A. Yes. Q. Was that program set up? A. I don't I don't know. I mean, we would have had to consult with each one of	5 6 7 8 9 10 11 12 13 14 15 16 17	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"? A. A contractor. Q. What do you mean a contractor, a consultant? A. A consultant. I'm sorry, consultant. Q. You're talking about an outside consultant? A. Yes.
6 7 8 9 10 11 12 13 14 15 16 17 18	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted to be on that task force, and that was members or a member from diversions operations, legal, commercial sales, IT and customer service, right? A. Yes. Q. Was that program set up? A. I don't I don't know. I mean, we would have had to consult with each one of those people to change the SOM system. We would have had to have input from all these people. I	5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"? A. A contractor. Q. What do you mean a contractor, a consultant? A. A consultant. I'm sorry, consultant. Q. You're talking about an outside consultant? A. Yes. Q. And did you, in fact, hire an outside consultant to help you with implementing
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted to be on that task force, and that was members or a member from diversions operations, legal, commercial sales, IT and customer service, right? A. Yes. Q. Was that program set up? A. I don't I don't know. I mean, we would have had to consult with each one of those people to change the SOM system. We would have had to have input from all these people. I don't recall ever having a meeting called the	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"? A. A contractor. Q. What do you mean a contractor, a consultant? A. A consultant. I'm sorry, consultant. Q. You're talking about an outside consultant? A. Yes. Q. And did you, in fact, hire an outside consultant to help you with implementing the new program for suspicious order monitoring?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted to be on that task force, and that was members or a member from diversions operations, legal, commercial sales, IT and customer service, right? A. Yes. Q. Was that program set up? A. I don't I don't know. I mean, we would have had to consult with each one of those people to change the SOM system. We would have had to have input from all these people. I don't recall ever having a meeting called the task force meeting, but we would have consulted	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"? A. A contractor. Q. What do you mean a contractor, a consultant? A. A consultant. I'm sorry, consultant. Q. You're talking about an outside consultant? A. Yes. Q. And did you, in fact, hire an outside consultant to help you with implementing the new program for suspicious order monitoring? A. We consulted with a third party
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. If you turn the page, you talk about developing a SOM implementation task force, right? A. Yes. Q. And you talk about who you wanted to be on that task force, and that was members or a member from diversions operations, legal, commercial sales, IT and customer service, right? A. Yes. Q. Was that program set up? A. I don't I don't know. I mean, we would have had to consult with each one of those people to change the SOM system. We would have had to have input from all these people. I don't recall ever having a meeting called the task force meeting, but we would have consulted with a representative from each one of these	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And then the next page is next steps and talks about program launched by a third party. What do you mean by "third party"? A. A contractor. Q. What do you mean a contractor, a consultant? A. A consultant. I'm sorry, consultant. Q. You're talking about an outside consultant? A. Yes. Q. And did you, in fact, hire an outside consultant to help you with implementing the new program for suspicious order monitoring? A. We consulted with a third party to talk about developing the architecture for a

	Page 237		Page 238
1		1	
1	A. Yes.	1	that exhibit, but before we go on, just because
2	Q. Okay. And Ronald Buzzeo is	2	we were talking about it, I'm going to hand you
3	somebody that you've worked with for a long	3	a I'm going to hand you what's been marked as
4	time?	4	Exhibit 14 real quick, and I just have a very
5	A. Yes.	5	quick question. It's another one of your
6	Q. You speak at his seminars	6	reviews from the year 2015, okay.
7	sometimes?	7	(Document marked for
8	A. Sometimes.	8	identification as McGinn Deposition
9	Q. He's sort of a guru on DEA	9	Exhibit No. 14.)
10	compliance?	10	BY MR. CARTMELL:
11	A. He's been around for a very long	11	Q. This is your performance review
12	time.	12	from 2015.
13	Q. You call him an expert, right?	13	And if you go to the second page
14	A. I would.	14	of that review, under in the middle of the
15	Q. Okay. And then the next slide	15	page under employee contacts strike that.
16	talks about hiring two diversion investigators.	16	If you go to the middle of the
17	Was that the FTEs?	17	page under your goal, which is to enhance the
18	A. Yes.	18	review of customer orders and improve the
19	Q. So was there actually an ask by	19	investigation process for DEA holds.
20	you of your superiors to hire three people?	20	Do you see that?
21	A. No. I don't recall. I think we	21	A. Yes.
22	were just talking about two people. Ultimately,	22	Q. That's talking about enhancing
23	we ended up with a manager and an investigator.	23	the suspicious order monitoring program, right?
24	Q. Okay. All right. I'm done with	24	A. Yes.
	Page 239		Page 240
1	Q. Number 2 states, "BI reporting	1	orders of the opioids, Teva wasn't using it
2	has become more user friendly so that the	2	before 2015, correct?
3	investigators can quickly switch from DefOps to	3	MR. ANDRISANI: Objection, form.
4	BI with one click."	4	THE WITNESS: I can only say that
5	Do you see that?	5	Teva wasn't using it from the time that
6	A. Yes.	6	I arrived in 2012. I don't know what
7	Q. What are BI reports?	7	they did prior to my arrival, if they
8	A. Business intelligence reports.	8	looked at it in any way.
9	Q. It states, business intelligence	9	To my knowledge, I don't know
10	reports are now also being used to collect	10	what they did with that information.
11	chargeback data which is helpful in seeing where	11	BY MR. CARTMELL:
12	controlled substances are distributed by	12	Q. Okay. Well, let's explore that a
13	customer.	13	little bit.
14	Do you see that?	14	Do you honestly believe based on
15	A. Yes.	15	what you found when you became the DEA
16	Q. Then you say, "This type of	16	compliance director that Teva before 2012 might
17	information is critical in investigations and	17	have been using chargeback data to try to find
18	has not been analyzed by Teva for this purpose	18	suspicious orders?
			_
19	prior to 2015."	19	MR. ANDRISANI: Objection,
20	Do you see that? A. Yes.	20	argumentative.
21		21 22	THE WITNESS: I don't know to be
22	Q. So even though the DEA		Sure.
23	recommended using that data and that data, as	23	BY MR. CARTMELL:

	Page 241		Page 242
1	got there, they weren't doing it, right?	1	data to get what we needed out of it in
2	A. What I know, yes.	2	any useful way.
3	Q. And from 2012 when you got there	3	It wasn't until 2015 with the
4	and did your gap analysis and felt like it	4	interaction with BI and DefOps that we
5	should be used and was recommended by the DEA,	5	were able to pull in the information.
6	it wasn't until 2015 that you actually used it,	6	BY MR. CARTMELL:
7	correct?	7	Q. So I just want to be clear, are
8	MR. ANDRISANI: Objection, form.	8	you telling this jury under oath that before
9	THE WITNESS: It wasn't until	9	2015, your company looked at chargeback data and
10	2015 that we could use it in a useful	10	tried to utilize it to identify suspicious
11	way.	11	orders of opioids?
12	BY MR. CARTMELL:	12	MR. ANDRISANI: Objection, asked
13	Q. Okay. You had the data, 51% of	13	and answered, argumentative, misstates
14	it before then, correct?	14	her testimony.
15	A. There was data there, yes.	15	THE WITNESS: What I said was
16	Q. Just you never tried to use it,	16	that we had looked at ways to use
17	did you?	17	chargeback data. I'm not saying that it
18	MR. ANDRISANI: Objection, form.	18	was useful in any way, that we could do
19	THE WITNESS: I believe that we	19	an analysis to see downstream. There
20	looked at trying to use it. It was a	20	was no way to organize that data in a
21	little time consuming before it was	21	useful way until 2015 with the
22	incorporated with BI. I don't think	22	incorporation of BI and DefOps.
23	that we got any useful data out of it	23	BY MR. CARTMELL:
24	where we were able to manipulate the	24	Q. Well, are you saying that just
	Page 243		Page 244
1	because it was time consuming before?	1	consultant to help them with implementing the
2			
	A. It would have taken a significant	2	new suspicious order monitoring program,
3	A. It would have taken a significant amount of time.	2 3	
			new suspicious order monitoring program,
3	amount of time.	3	new suspicious order monitoring program, correct?
3 4	amount of time. Q. Other companies were doing it;	3 4	new suspicious order monitoring program, correct? A. Yes.
3 4 5	amount of time. Q. Other companies were doing it; you know that, right?	3 4 5	new suspicious order monitoring program, correct? A. Yes. Q. And I think we mentioned Ronald
3 4 5 6	amount of time. Q. Other companies were doing it; you know that, right? MR. ANDRISANI: Objection.	3 4 5 6	new suspicious order monitoring program, correct? A. Yes. Q. And I think we mentioned Ronald Buzzeo, and, in fact, this is the letter from
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	amount of time. Q. Other companies were doing it; you know that, right? MR. ANDRISANI: Objection. THE WITNESS: Yes. (Document marked for identification as McGinn Deposition Exhibit No. 15.) BY MR. CARTMELL: Q. I hand you what's been marked as Exhibit 15. Ms. McGinn, this document, Exhibit 15, was produced in this litigation from Teva's internal files and was also included in your file. Do you recognize this document? A. Yes. Q. And, in fact, this document is addressed to you; is that correct? A. Yes. Q. We talked a minute ago about Teva	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	new suspicious order monitoring program, correct? A. Yes. Q. And I think we mentioned Ronald Buzzeo, and, in fact, this is the letter from Ronald Buzzeo that addresses the consulting or some of the consulting that Mr. Buzzeo did for Teva; is that right? MR. ANDRISANI: Objection, form, foundation. THE WITNESS: Ron Buzzeo's organization audited. Ron did not audit Teva. BY MR. CARTMELL: Q. Okay. And so was there an audit that actually was performed by Mr. Buzzeo's company? A. Yes. Q. His company is called what? A. At the time it was Cegedim. Q. The title at the top Cegedim? A. Yes.
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	Page 245		Page 246
1	do an audit on its suspicious order monitoring	1	computer program known as SORDS."
2	program; is that right?	2	And we just talked about that a
3	A. We asked him to evaluate our	3	minute ago, correct?
4	suspicious order monitoring program.	4	A. Yes.
5	Q. And you had evaluated and done a	5	Q. And I want to turn your attention
6	gap analysis, right?	6	to the next sentence, or, actually, the last
7	A. Yes.	7	sentence states, "Teva has never identified a
8	Q. And now you wanted a trained	8	suspicious order and thus no orders have ever
9	professional with more expertise than you to do	9	been reported to the DEA."
10	the same thing, correct?	10	Do you see that?
11	MR. ANDRISANI: Object to form.	11	A. I see it.
12	THE WITNESS: That is correct.	12	Q. Okay. So at least by September
13	BY MR. CARTMELL:	13	of 2012, after you started and became the DEA
14	Q. You can answer.	14	compliance manager, you know that in all the
15	A. That is correct.	15	years that Teva had been selling and
16	Q. Okay. I want to go through this	16	manufacturing opioids, Teva had never identified
17	a little bit, but the date of this is	17	a single suspicious order, correct?
18	September 25, 2012, and it states, Dear	18	MR. ANDRISANI: Objection, form.
19	Ms. McGinn, enclosed is our report regarding	19	THE WITNESS: That's what it says
20	Teva Pharmaceuticals' suspicious order	20	here.
21	monitoring system. Teva has a rudimentary	21	BY MR. CARTMELL:
22	suspicious order monitoring system with a	22	Q. Do you have any reason to
23	process for opening new accounts and pending	23	disagree with that?
24	orders pursuant to calculations performed by a	24	A. No.
	crass parameter cantonianous porterinos e, a		11.
	Page 247		Page 248
1	Q. Okay. And not only had they	1	restate it.
2	never identified a single suspicious order of	2	MR. ANDRISANI: Sure.
3	opioids, they had never reported anything to the	3	BY MR. CARTMELL:
4	DEA, correct?	4	Q. And then it states that the
5	A. That's what it states.	5	customer due diligence procedures, according to
6	Q. Okay. And then it talks about,	6	the consultant who reviewed the program, the
7	like you found, that their customer due	7	"due diligence procedures are limited to
8	diligence procedures were limited to checking to	8	checking customer registrations and credit
9	see if they were registered and had credit	9	worthiness," that's what the consultant states,
10	worthiness, right?	10	correct?
11	MR. ANDRISANI: Objection, form.	11	A. That's what it says here, yes.
12	THE WITNESS: Is that on the	12	Q. And that's the same thing you
13	first page?	13	found in your gap analysis, correct?
14	BY MR. CARTMELL:	14	A. Correct.
15	Q. Yeah, first page, the second	15	Q. Okay. Now, then it talks about
13	paragraph, first sentence.	16	SORDS a little more, and it says, "SORDS is not
16	1 & 1 /	1	200
	MR. ANDRISANI: I'll object to	17	sufficiently sensitive to customer ordering
16	· · ·	17 18	sufficiently sensitive to customer ordering practices to result in any meaningful analysis
16 17	MR. ANDRISANI: I'll object to		•
16 17 18	MR. ANDRISANI: I'll object to the form of the question.	18	practices to result in any meaningful analysis
16 17 18 19	MR. ANDRISANI: I'll object to the form of the question. MR. CARTMELL: What did I do?	18 19	practices to result in any meaningful analysis of customer order practices."
16 17 18 19 20	MR. ANDRISANI: I'll object to the form of the question. MR. CARTMELL: What did I do? MR. ANDRISANI: I think you	18 19 20	practices to result in any meaningful analysis of customer order practices." Do you see that?
16 17 18 19 20 21	MR. ANDRISANI: I'll object to the form of the question. MR. CARTMELL: What did I do? MR. ANDRISANI: I think you implied that it was limited to that. I	18 19 20 21	practices to result in any meaningful analysis of customer order practices." Do you see that? A. I see it.
16 17 18 19 20 21 22	MR. ANDRISANI: I'll object to the form of the question. MR. CARTMELL: What did I do? MR. ANDRISANI: I think you implied that it was limited to that. I think it states that's what they do, but	18 19 20 21 22	practices to result in any meaningful analysis of customer order practices." Do you see that? A. I see it. Q. Okay. And you found the same

	Page 249		Page 250
1	a statistical standpoint it's not sufficiently	1	because you felt that they were actual experts
2	sensitive.	2	on DEA compliance and suspicious order
3	Q. Well, I take it that you would	3	monitoring programs, right?
4	defer to the experts in that regard, correct?	4	A. Yes.
5	A. I would rely on their expertise.	5	Q. Okay. I take it you would have
6	Q. Okay. And I think this is a very	6	hired who you thought was were the best
7	important sentence. What this expert who was	7	experts in the field?
8	hired by Teva is saying is that the computer	8	A. Yes.
9	system which is the first line of identifying	9	Q. Okay. And this expert from Ron
10	potentially suspicious orders is not sensitive	10	Buzzeo's company found that the computer
11	enough to identify those suspicious orders,	11	program, the algorithm that was the first line
12	correct?	12	of trying to identify suspicious orders was not
13	MR. ANDRISANI: Objection, form.	13	sensitive enough to actually meaningfully
14	THE WITNESS: This consultant was	14	identify suspicious orders.
15	also trying to sell us their own program	15	That's what this consultant
16	at the time, so it wouldn't surprise me	16	found, correct?
17	that they said that ours was	17	MR. ANDRISANI: Objection to
18	insufficient either.	18	form.
19	MR. CARTMELL: Object and move to	19	THE WITNESS: That's what it says
20	strike. My question is a little	20	here, yes.
21	different.	21	BY MR. CARTMELL:
22	BY MR. CARTMELL:	22	Q. If that's true, then suspicious
23	Q. This consultant who you hired and	23	orders to Teva from customers over the years
24	I take it your company hired this consultant	24	while they've been using SORDS have not been
	Page 251		Page 252
	3		rage 232
1	identified, correct?	1	Q. Yeah. My point is this
1 2		1 2	
	identified, correct?		Q. Yeah. My point is this
2	identified, correct? MR. ANDRISANI: Objection, form.	2	Q. Yeah. My point is this consultant, the expert you hired from Teva or
2	identified, correct? MR. ANDRISANI: Objection, form. THE WITNESS: I don't know that.	2	Q. Yeah. My point is this consultant, the expert you hired from Teva or that Teva hired says that this system you're
2 3 4	identified, correct? MR. ANDRISANI: Objection, form. THE WITNESS: I don't know that. BY MR. CARTMELL:	2 3 4	Q. Yeah. My point is this consultant, the expert you hired from Teva or that Teva hired says that this system you're using, the computer algorithm is not sensitive
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2 3 4 5 6	identified, correct? MR. ANDRISANI: Objection, form. THE WITNESS: I don't know that. BY MR. CARTMELL: Q. You don't know one way or the other, right?	2 3 4 5 6	Q. Yeah. My point is this consultant, the expert you hired from Teva or that Teva hired says that this system you're using, the computer algorithm is not sensitive enough to be identifying suspicious orders, correct?
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	Page 253		Page 254
1	don't know?	1	The last paragraph states, "new
2	A. I don't know.	2	accounts are opened infrequently and there is
3	Q. Okay. You're saying that	3	minimal due diligence. Pended orders are
4	Buzzeo's consultants stated that SORDS II was	4	'cleared' based on telephone interviews with
5	then appropriate and sensitive enough to	5	customers, which are handled by Teva customer
6	identify suspicious orders?	6	service staff."
7	A. They did not evaluate SORDS II.	7	Do you see that?
8	Q. Okay.	8	A. Yes.
9	A. This references SORDS, not SORDS	9	Q. And one of the things that you
10	II.	10	had said you thought an appropriate program
11	Q. Okay. Well, we'll go to the	11	should have on-site visits, correct?
12	actual report that is attached to this cover	12	A. Yes.
13	letter, if you would, page one, the next page.	13	Q. And I believe in this report that
14	A. Mm-hmm.	14	you're familiar with, the consultants agreed
15	Q. Just and the first paragraph	15	with that, correct?
16	just talks about how the consultants actually	16	A. Yes.
17	came to Teva and did an on-site review and	17	Q. And then if you turn the page, it
18	assessment of the system, right?	18	states, again, "Teva has never reported any
19	A. Mm-hmm.	19	suspicious order to the DEA and there is no
20	Q. Is that right?	20	program to review 'downstream distribution' of
21	A. Yes. I'm sorry.	21	Teva products."
22	Q. It's okay. And then in the last	22	And that's what you found,
23	paragraph, I want to direct your attention to	23	correct?
24	those sentences.	24	A. Yes.
	Page 255		- 054
	rage 200		Page 256
1	Q. And then it states, "there are no	1	Page 256 there weren't even any official guidelines,
1 2	Q. And then it states, "there are no	1 2	
			there weren't even any official guidelines,
2	Q. And then it states, "there are no formal Standard Operating Procedures or official	2	there weren't even any official guidelines, right?
2	Q. And then it states, "there are no formal Standard Operating Procedures or official guidelines."	2	there weren't even any official guidelines, right? A. That's what it says. Q. Do you think that a suspicious
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2 3 4 5	Q. And then it states, "there are no formal Standard Operating Procedures or official guidelines." Do you see that? A. Yes.	2 3 4 5	there weren't even any official guidelines, right? A. That's what it says. Q. Do you think that a suspicious order monitoring program for a very large
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	Page 257		Page 258
1	being the review facilitator; is that right?	1	THE WITNESS: I don't know.
2	A. Yes.	2	BY MR. CARTMELL:
3	Q. Marianne Geiger was the one who	3	Q. It next states that below that
4	spoke to the consultants about the establishment	4	"Teva has approximately 200 active customers" at
5	of new accounts and clearing pending orders,	5	this time.
6	correct?	6	Was that consistent with your
7	A. Yes.	7	memory?
8	Q. And Marianne Geiger is in	8	A. Yes.
9	customer service, right?	9	O. And then it mentions some of
10	A. Yes.	10	those customers including the big four, right,
11	Q. As we established previously,	11	or the big three, AmerisourceBergen, Cardinal
12	that's somebody who has interaction with the	12	Health and McKesson?
13	customers about the accounts and sales?	13	A. Yes.
14	A. Yes.	14	Q. And then major pharmacy chains
15	Q. So at the time you took over this	15	like CVS and Walgreens, they are also customers,
16	program, it was actually somebody from customer	16	right?
17	service who was in charge of clearing pending	17	A. Yes.
18	orders, correct?	18	Q. And then smaller wholesale
19	A. That is not my understanding.	19	distributors, like grocery stores, like
20	Q. Okay. Well, then why did the	20	Winn-Dixie or Kroger; is that right?
21	consultant talk to Marianne Geiger from customer	21	A. Yes.
22	service about clearing these orders, these	22	Q. I'm not going to go through all
23	potentially suspicious orders?	23	of these findings, but would you agree with me
24	MR. ANDRISANI: Objection, form.	24	that it's fair to say that the consultant or
	,		,
	2 050		
	Page 259		Page 260
1		1	
1 2	consultants from Ron Buzzeo's company found	1 2	Page 260 improved. BY MR. CARTMELL:
			improved. BY MR. CARTMELL:
2	consultants from Ron Buzzeo's company found multiple deficiencies in Teva's suspicious order monitoring program?	2	improved. BY MR. CARTMELL:
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2 3 4	consultants from Ron Buzzeo's company found multiple deficiencies in Teva's suspicious order monitoring program? A. I would say they found multiple	2 3 4	improved. BY MR. CARTMELL: Q. They called them deficiencies, did they not, ma'am?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	consultants from Ron Buzzeo's company found multiple deficiencies in Teva's suspicious order monitoring program? A. I would say they found multiple findings. Q. Well, look at page 4, because I want to use the words of the actual consultants. Do you see that, the first full paragraph of page 4? A. Yes. Q. It talks about additional deficiencies. Do you see that? A. I see it. Q. Those are the consultant's words, not mine, right? A. And not mine either. Q. Okay. But would you agree with me that the consultants found multiple deficiencies in Teva's suspicious order monitoring program? MR. ANDRISANI: Objection, form.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	improved. BY MR. CARTMELL: Q. They called them deficiencies, did they not, ma'am? A. They did call them deficiencies. Q. If you look under number 2 finding on page 3 when it's talking about the SORDS program, it states in the last sentence of the first paragraph, "according to customer service manager Marianne Geiger, the system 'pends' less than ten orders a week." Do you see that? A. Yes. Q. So I think that means that of all the orders for opioids and other controlled substances coming into Teva at this time, the system in place at that time would only flag or catch approximately ten a week; is that fair? MR. ANDRISANI: Objection, form. THE WITNESS: That's what Marianne Geiger states here or is stated in the report.

Page 261 Page 262 1 that is in and of itself an indication that the 1 it was not implemented. 2 program is not sensitive enough? 2 Q. I understand, but I want -- I 3 3 MR. ANDRISANI: Objection, form. just want to be clear, these consultants THE WITNESS: I wouldn't know 4 4 actually did evaluate and assess SORDS II, even 5 5 though it was not yet in play, correct? that. 6 BY MR. CARTMELL: 6 They may have looked at the user 7 Q. Would you agree with me, and 7 requirements, but that's all that would have 8 8 we'll look at some of the documents, maybe been available to them at the time. 9 you're familiar, that around this time or a few 9 Q. Okay. But what else would they 10 years later, Teva had as many as 10,000 orders 10 look at? That's what the consultant is 11 interested in is what is the algorithm, correct? per week? 11 12 12 A. I mean, there's a lot of things A. Flagged? 13 10,000 orders. 13 they could have looked at, but I don't know what 14 14 Oh, in general. I have -- I they specifically looked at to evaluate SORDS 15 don't know how many orders they received. 15 II. The only thing we would have had in place 16 Okay. The last paragraph does 16 at the time were user requirements. 17 say that the consultants did analyze and assess 17 Q. No, I understand, but SORDS II SORDS II, doesn't it? 18 18 was a month from being done, and this consultant 19 A. It looks like they reviewed the 19 actually at page 3 evaluated SORDS II and made 20 20 some conclusions, correct? concept, but there is a section in here that 21 says the improved system -- page 1, that "SORDS 21 A. They evaluated --22 II is in testing and is close to 22 MR. ANDRISANI: Objection, form. 23 implementation." So they may have looked at the 23 THE WITNESS: They evaluated 24 user requirements, but at the time of the audit, 24 something, I don't know whether it was Page 263 Page 264 1 somebody describing it to them or user 1 It's written here -- they have a 2 2 requirements. I don't know what they sentence that BI can be used to enhance 3 looked at to make their evaluation. 3 predicted outcomes and/or trends. Yes, I see 4 BY MR. CARTMELL: 4 what you're saying. 5 At any rate, it states for SORDS 5 Q. In other words, you see I'm saying that even SORDS II, according to these 6 II that it is an improvement, however, the 6 7 7 orders are not normalized across different NDC consultants, still had loopholes or the 8 numbers. (This means, for example, that a 8 inability to pick up some suspicious orders for 9 customer could order frequent smaller amounts of 9 opioids, correct? 10 hydrocodone, an opioid, in three or four 10 MR. ANDRISANI: Objection, form. 11 different products and avoid a violation of the 11 THE WITNESS: What they're saying 12 three standard deviation rule). 12 is that SORDS II could still be 13 Do you see that? 13 improved. 14 14 BY MR. CARTMELL: 15 What it's saying is that there Q. Okay. And, in fact, during your 15 are loopholes here, according to the sensitivity time as the director, SORDS II at some point was 16 16 17 of even SORDS II, that would allow them not to 17 taken out of commission, correct? 18 pick up potentially suspicious orders, correct? 18 A. Yes. 19 MR. ANDRISANI: Object to the 19 Q. And that was because, like you 20 20 said, you wanted something that was more form. 21 THE WITNESS: It states here --21 sensitive, correct? yeah, I mean, I --22 22 A. We wanted to make continuous 23 BY MR. CARTMELL: 23 improvements to the program. 24 Q. Do you see what I'm saying? 24 Q. But it wasn't until 2015 that the

	Page 265		Page 266
1	new program called DefOps was put into play,	1	break.
2	correct?	2	THE VIDEOGRAPHER: Going off the
3	A. I don't remember exactly what	3	record at 3:06 p.m.
4	year, but that sounds about right.	4	(Brief recess.)
5	Q. Well, I'll show you if you	5	THE VIDEOGRAPHER: We are back on
6	look at I'm going to try to find this exhibit	6	the record at 3:30.
7	if you look at your 2015 review.	7	BY MR. CARTMELL:
8	MR. ANDRISANI: What exhibit was	8	Q. We're back on the record after a
9	that?	9	short break.
10	BY MR. CARTMELL:	10	Ms. McGinn, are you ready to
11	Q. That's Exhibit 14, and if you	11	proceed?
12	look around the area where we were looking, I	12	A. I am ready.
13	don't have it in front of me right now.	13	Q. Before we took the break, we were
14	A. That's page the second page, I	14	talking some about the computer algorithm or
15	see it. It was officially launched in May 2015.	15	computer algorithms SORDS I and II.
16	Q. Right. So the updated, more	16	Do you recall that?
17	improved, more sensitive computer algorithm was	17	A. Yes.
18	not updated for nearly three years after the	18	Q. And we talked about how the
19	Buzzeo consultant said that the SORDS product	19	updated software or algorithm to try to identify
20	was not entirely sensitive enough, correct?	20	the suspicious orders that came in was put in
21	MR. ANDRISANI: Objection, form.	21	place in mid No or excuse me mid-2015,
22	THE WITNESS: Two and a half	22	correct?
23	years.	23	A. Yes.
24	MR. CARTMELL: Let's take a	24	(Document marked for
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1		1	Page 268
1	identification as McGinn Deposition	1	A. Yes.
2	identification as McGinn Deposition Exhibit No. 16.)	2	A. Yes. Q. All right. So you've been
2 3	identification as McGinn Deposition Exhibit No. 16.) BY MR. CARTMELL:	2	A. Yes. Q. All right. So you've been involved in directing DEA compliance and the
2 3 4	identification as McGinn Deposition Exhibit No. 16.) BY MR. CARTMELL: Q. Now, I want to hand you what's	2 3 4	A. Yes. Q. All right. So you've been involved in directing DEA compliance and the suspicious order monitoring program, you've had
2 3 4 5	identification as McGinn Deposition Exhibit No. 16.) BY MR. CARTMELL: Q. Now, I want to hand you what's been marked as Exhibit 16 and ask you some	2 3 4 5	A. Yes. Q. All right. So you've been involved in directing DEA compliance and the suspicious order monitoring program, you've had oversight on that for a little over three years,
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2 3 4 5 6 7 8	identification as McGinn Deposition Exhibit No. 16.) BY MR. CARTMELL: Q. Now, I want to hand you what's been marked as Exhibit 16 and ask you some questions about this document that was produced to us from Teva's internal files. Exhibit 16 appears to be a string	2 3 4 5 6 7 8	A. Yes. Q. All right. So you've been involved in directing DEA compliance and the suspicious order monitoring program, you've had oversight on that for a little over three years, is that right, at this time? A. Yes. Q. It states strike that. This
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	Page 269		Page 270
1	A. That's what it looks like, yes.	1	prevent them from doing that until Leroy can fix
2	Q. Okay. "How did that happen" is	2	it?"
3	what you say.	3	And when you talk about them,
4	And he says "Yep, not sure how it	4	you're talking about people in customer service,
5	happened, it appears that that ability has been	5	aren't you?
6	there all along to SORDS."	6	A. Yes.
7	Do you see that?	7	Q. And we talked about customer
8	A. Yes.	8	service reps, and those are the people that have
9	Q. He says, "There's a handful that	9	the relationships with the actual customers and
10	mostly look like errors, but one that doesn't.	10	talk to them about sales, correct?
11	And it's an oxy."	11	A. Yes.
12	Oxy is what in your mind?	12	Q. Okay. And we've talked about how
13	A. I would assume he was talking	13	sometimes customer service representatives are
14	about oxycodone.	14	reluctant to stop sales or have sales of opioids
15	Q. And oxycodone is an opioid,	15	held, correct?
16	correct?	16	MR. ANDRISANI: Objection, form.
17	A. It is a Schedule II opioid.	17	THE WITNESS: It's not it's
18	Q. Okay. Highly high risk;	18	not in their job descriptions to hold
19	opioid, correct?	19	orders.
20	A. It's a Schedule II.	20	BY MR. CARTMELL:
21	Q. And then you say, "Why would	21	Q. Right. In other words, they want
22	someone release an order like that? Was this	22	to sell product, correct?
23	person new?"	23	MR. ANDRISANI: Objection, form.
24	And you say, "How are we going to	24	THE WITNESS: They want to move
	Page 271		Page 272
1	product to customers.	1	A. Yes.
2	BY MR. CARTMELL:	2	Q. And, in fact, when the
3	O A 1.1 1 1: 1 1		
	Q. And they don't yeah, because I	3	consultants from Buzzeo's firm came and did an
4	Q. And they don't yeah, because I think strike that.	3 4	consultants from Buzzeo's firm came and did an analysis of the suspicious order monitoring
4 5			
	think strike that.	4	analysis of the suspicious order monitoring
5	think strike that. They don't like to, as you said, upset their customers, correct?	4 5	analysis of the suspicious order monitoring program, they talked actually to Marianne Geiger
5 6	think strike that. They don't like to, as you said,	4 5 6	analysis of the suspicious order monitoring program, they talked actually to Marianne Geiger about releasing orders.
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	Page 273		Page 274
1	a suspicious order for opioids, right?	1	it, is that if something bad happens, then she
2	A. Yes.	2	should be the one whose name on it and should
3	Q. Okay. Buzzeo talked to Marianne	3	take the fall for it, correct?
4	Geiger in customer services who was telling him	4	A. What I'm saying is I want to know
5	how orders were released, right?	5	why she released it.
6	MR. ANDRISANI: Objection, form,	6	Q. No, you're saying she can write
7	lacks foundation.	7	up the justification in her name, aren't you?
8	THE WITNESS: That was not the	8	A. I am saying that she released it
9	typical practice for customer service to	9	and that we needed justification as to why it
10	release orders. I can tell we're	10	was released.
11	surprised that this happened in the	11	Q. You're saying put her name on it
12	in the exchange that you just handed me.	12	because if something goes bad, her name should
13	BY MR. CARTMELL:	13	be on it, not you, right?
14	Q. Okay. And then it states, "Why	14	A. What I said was that she should
15	would she do that?"	15	write the justification because she released it.
16	You say, "You can tell her that	16	Q. Okay. And were you saying that
17	she can write up the justification for release -	17	because in case there was a suspicious order
18	with her name on it."	18	that was released and there was diversion or
19	I'm sensing a little frustration	19	some type of DEA action that it should be clear
20	there?	20	that she was the one that released it and not
21	A. Yes.	21	you?
22	Q. And some sarcasm?	22	MR. ANDRISANI: Objection, asked
23	A. Slight.	23	and answered.
24	Q. What you're saying there, I take	24	THE WITNESS: I wouldn't if
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	Page 275		
_		_	Page 276
1	you're asking me, I would I don't	1	was a glitch that we did not know about
2	you're asking me, I would I don't release orders myself, Joe does it.	2	was a glitch that we did not know about prior to this.
2	you're asking me, I would I don't release orders myself, Joe does it. BY MR. CARTMELL:	2	was a glitch that we did not know about prior to this. BY MR. CARTMELL:
2 3 4	you're asking me, I would I don't release orders myself, Joe does it. BY MR. CARTMELL: Q. So let me, just to make it clear,	2 3 4	was a glitch that we did not know about prior to this. BY MR. CARTMELL: Q. Right, and is it fair to say you
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Page 277 Page 278 1 remember after this conversation if we 1 Q. And knowing that customer service 2 people, as we've discussed, because they do not 2 did a backward look to see if anything 3 3 want to disrupt relationships with clients, are had been released by anyone other than 4 DEA compliance. I can't remember that. 4 reluctant to hold orders for opioids and other 5 BY MR. CARTMELL: 5 controlled substances, correct? б Q. Okay. But you would agree with 6 MR. ANDRISANI: Objection to 7 me that having a computer system with a glitch, 7 form, asked and answered. 8 as you called it, allowing customer service 8 THE WITNESS: It is not their job 9 9 people who are reluctant to hold orders to to hold orders. 10 release orders that are potentially suspicious BY MR. CARTMELL: 10 11 11 O. When -- strike that. is not good practice? 12 12 A. I would agree. (Document marked for 13 And that would not be indicative 13 identification as McGinn Deposition 14 14 of a compliant SOM or suspicious order Exhibit No. 17.) 15 monitoring program, agree? 15 BY MR. CARTMELL: 16 16 Q. Hand you Exhibit 17. MR. ANDRISANI: Objection, form. 17 THE WITNESS: There is nothing in 17 Is it true, Ms. McGinn, that Teva 18 the regulation that states that customer 18 also consulted with Mr. Buzzeo's company and had 19 service couldn't release an order. I 19 his company do audits of other facilities, some 20 20 of the manufacturing plants? would not consider it best practice. 21 BY MR. CARTMELL: 21 A. Yes. 22 You wouldn't consider it best 22 And I've handed you a document Q. O. practice because why? 23 23 that was produced by Teva from their internal 24 Just based on experience. 24 files that is discussing an audit that was Page 279 Page 280 performed by Buzzeo's consulting firms --1 distributes to our distribution center who 1 2 consulting firm in July of 2013; is that 2 distributors to our customers. 3 correct? 3 Q. Okay. It states, "As noted 4 4 during the audit, there were numerous A. Yes. 5 5 Now, you've been at Teva as the recommendations made to enhance compliance, which are included in this report." 6 director of DEA compliance for about a year at 6 7 this time; is that right? 7 Do you see that? 8 8 Yes. A. Yes. A. 9 And you've actually been at Teva 9 And, again, like in the last Q. 10 for approximately two years at this time; is 10 audit report that we discussed previously, there 11 that right? 11 are several findings and recommendations that the consultant gives, correct? 12 A. Approximately, yes. 12 13 Q. I want to ask you a few questions 13 A. Yes. about this document. The letter on the first 14 14 Q. And I want to ask you about the page is to you. It states, Dear Colleen, please 15 one at page 10 when the consultant actually did 15 16 16 an audit on site at this facility at Teva, a find enclosed the report regarding the recent 17 site audit conducted at Teva Pharmaceuticals in 17 finding was this: "It was stated that Teva 18 Pharmaceuticals only ships controlled substances Salt Lake City, Utah. 18 19 Does Teva have a manufacturing 19 to the person/company for which each shipment is 20 site in Salt Lake City? 20 prepared and does not have a suspicious order 21 A. Yes. 21 monitoring program." Do you see that? 22 And does that site actually 22 O. 23 distribute controlled substances? 23 Yes. Α. 24 A. I would say that the site 24 And according to the law under

	Page 281		Page 282
1	that, 21 CFR 1301.74(b), that's the federal	1	MR. ANDRISANI: Objection to
2	regulation, correct?	2	form.
3	A. Yes.	3	THE WITNESS: Let me again state
4	Q. The law says that "The registrant	4	that this facility in Salt Lake City did
5	shall design and operate a system to disclose to	5	not distribute controlled substances to
6	the registrant suspicious orders of controlled	6	customers. The distribution activity
7	substances."	7	was handled through the Chalfont
8	Do you see that?	8	facility, and all of those orders went
9	A. Yes.	9	through the suspicious order monitoring
10	Q. And the recommendation was that	10	program.
11	Teva as required by the regulations must monitor	11	BY MR. CARTMELL:
12	all controlled substances orders. In addition,	12	Q. I understand, but if it is deemed
13	they must analyze customer requests for contract	13	that they are strike that.
14	manufacturing for possible indications of	14	If it's deemed that one of your
15	suspicious or unusual requests and should have a	15	facilities has distribution of controlled
16	procedure to report any suspicious orders to the	16	substances, the consultants found that they
17	DEA.	17	needed a suspicious order monitoring program,
18	Do you see that?	18	correct?
19	A. Yes.	19	MR. ANDRISANI: Objection, form.
20	Q. So when Mr. Buzzeo's consulting	20	THE WITNESS: This facility did
21	company that was hired by Teva did an analysis	21	not distribute directly to customers.
22	and an audit of this Salt Lake City facility, it	22	BY MR. CARTMELL:
23	found that it did not have a suspicious ordering	23	Q. I understand.
24	monitoring program, correct?	24	A. We had a suspicious order
	Page 283		Page 284
1			
	monitoring program inrollen whatever was in	1	that Teva does not have a suspicious
2	monitoring program through whatever was in place, SORDS. All the orders for Salt Lake City	1 2	that Teva does not have a suspicious order monitoring program.
2	place, SORDS. All the orders for Salt Lake City	1 2 3	order monitoring program.
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	Page 285		Page 286
1	not follow the recommendation of the consultant?	1	about.
2	A. I do not remember what we did	2	It states under number 4, the
3	after that.	3	last paragraph, CIMA. First of all, what is
4	(Document marked for	4	CIMA?
5	identification as McGinn Deposition	5	A. CIMA labs is a facility in
6	Exhibit No. 18.)	6	Minnesota that was part of the Cephalon
7	BY MR. CARTMELL:	7	organization.
8	Q. I've handed you Exhibit 18.	8	Q. And is this the actual
9	This is another audit of another	9	manufacturing facility CIMA that where the audit
10	Teva facility, manufacturing facility, correct?	10	was?
11	A. Yes.	11	A. Yes.
12	Q. This one is in Brooklyn Park,	12	Q. Okay. So that's another name for
13	Minnesota, correct?	13	the facility in Brooklyn Park, Minnesota that
14	A. Yes.	14	was being audited, correct?
15	Q. Ron Buzzeo's consultants that	15	A. Yes.
16	were hired by Teva went into that facility and	16	Q. And the auditor, the expert from
17	did an audit, correct?	17	Ron Buzzeo's company that was consulting states
18	A. Yes.	18	"CIMA does not have a suspicious order
19	Q. And they were doing a DEA audit	19	monitoring program for the controlled substance
20	to look whether or not the facility was in	20	transferred from the Manufacturing Registration
21	compliance with the DEA regulations, correct?	21	to the firm's other registrations or DEA
22	A. Correct.	22	Registered Reverse Distributors or to other DEA
		23	-
23 24	Q. If you look at page 5 there is a	24	Registered Manufacturers for repackaging and distribution for clinical trials."
24	finding by the consultant that I want to ask you	24	distribution for clinical trials.
	Page 287		Page 288
1	Do you see that?	1	at the CIMA Labs facility, yes, I would disagree
1 2	Do you see that? A. Yes.	1 2	at the CIMA Labs facility, yes, I would disagree that they needed a suspicious order monitoring
	•		that they needed a suspicious order monitoring
2	A. Yes.Q. And then it states the law which	2	that they needed a suspicious order monitoring program.
2 3	A. Yes.	2 3	that they needed a suspicious order monitoring program. Q. So you believe you had more
2 3 4	A. Yes. Q. And then it states the law which requires a suspicious order monitoring program,	2 3 4	that they needed a suspicious order monitoring program. Q. So you believe you had more expertise related to suspicious order monitoring
2 3 4 5	A. Yes. Q. And then it states the law which requires a suspicious order monitoring program, correct? A. Correct.	2 3 4 5	that they needed a suspicious order monitoring program. Q. So you believe you had more
2 3 4 5 6	A. Yes. Q. And then it states the law which requires a suspicious order monitoring program, correct? A. Correct. Q. And then, again, this is another	2 3 4 5 6	that they needed a suspicious order monitoring program. Q. So you believe you had more expertise related to suspicious order monitoring than the consultants from Ron Buzzeo's company that you hired?
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2 3 4 5 6 7 8	A. Yes. Q. And then it states the law which requires a suspicious order monitoring program, correct? A. Correct. Q. And then, again, this is another	2 3 4 5 6 7 8	that they needed a suspicious order monitoring program. Q. So you believe you had more expertise related to suspicious order monitoring than the consultants from Ron Buzzeo's company that you hired? MR. ANDRISANI: Objection. THE WITNESS: I believe I had
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Yes. Q. And then it states the law which requires a suspicious order monitoring program, correct? A. Correct. Q. And then, again, this is another facility where the consultant went in and made the recommendation that this facility, CIMA needed a suspicious order monitoring program, and it didn't have one, correct? A. That's what it says. Q. Do you disagree with this finding as well? A. The CIMA labs facility did not manufacture product for patient use. They used they manufactured clinical trial material. MR. CARTMELL: Object, and move	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	that they needed a suspicious order monitoring program. Q. So you believe you had more expertise related to suspicious order monitoring than the consultants from Ron Buzzeo's company that you hired? MR. ANDRISANI: Objection. THE WITNESS: I believe I had more expertise in the activities handled at CIMA Laboratories than the consultant did, yes. BY MR. CARTMELL: Q. So I take it that in the Minnesota facility, you did not follow the consultant's recommendation, and you did not put in a suspicious order monitoring program in that facility; is that fair? A. I want to say that today we have
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. Q. And then it states the law which requires a suspicious order monitoring program, correct? A. Correct. Q. And then, again, this is another facility where the consultant went in and made the recommendation that this facility, CIMA needed a suspicious order monitoring program, and it didn't have one, correct? A. That's what it says. Q. Do you disagree with this finding as well? A. The CIMA labs facility did not manufacture product for patient use. They used they manufactured clinical trial material. MR. CARTMELL: Object, and move to strike the answer. BY MR. CARTMELL: Q. Do you disagree with this finding	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	that they needed a suspicious order monitoring program. Q. So you believe you had more expertise related to suspicious order monitoring than the consultants from Ron Buzzeo's company that you hired? MR. ANDRISANI: Objection. THE WITNESS: I believe I had more expertise in the activities handled at CIMA Laboratories than the consultant did, yes. BY MR. CARTMELL: Q. So I take it that in the Minnesota facility, you did not follow the consultant's recommendation, and you did not put in a suspicious order monitoring program in that facility; is that fair? A. I want to say that today we have SOPs that cover any shipments from facilities outside of the commercial distribution area, but
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Yes. Q. And then it states the law which requires a suspicious order monitoring program, correct? A. Correct. Q. And then, again, this is another facility where the consultant went in and made the recommendation that this facility, CIMA needed a suspicious order monitoring program, and it didn't have one, correct? A. That's what it says. Q. Do you disagree with this finding as well? A. The CIMA labs facility did not manufacture product for patient use. They used they manufactured clinical trial material. MR. CARTMELL: Object, and move to strike the answer. BY MR. CARTMELL:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that they needed a suspicious order monitoring program. Q. So you believe you had more expertise related to suspicious order monitoring than the consultants from Ron Buzzeo's company that you hired? MR. ANDRISANI: Objection. THE WITNESS: I believe I had more expertise in the activities handled at CIMA Laboratories than the consultant did, yes. BY MR. CARTMELL: Q. So I take it that in the Minnesota facility, you did not follow the consultant's recommendation, and you did not put in a suspicious order monitoring program in that facility; is that fair? A. I want to say that today we have SOPs that cover any shipments from facilities outside of the commercial distribution area, but I don't know when it was implemented.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And then it states the law which requires a suspicious order monitoring program, correct? A. Correct. Q. And then, again, this is another facility where the consultant went in and made the recommendation that this facility, CIMA needed a suspicious order monitoring program, and it didn't have one, correct? A. That's what it says. Q. Do you disagree with this finding as well? A. The CIMA labs facility did not manufacture product for patient use. They used they manufactured clinical trial material. MR. CARTMELL: Object, and move to strike the answer. BY MR. CARTMELL: Q. Do you disagree with this finding by Teva's consultant that was hired to do an	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that they needed a suspicious order monitoring program. Q. So you believe you had more expertise related to suspicious order monitoring than the consultants from Ron Buzzeo's company that you hired? MR. ANDRISANI: Objection. THE WITNESS: I believe I had more expertise in the activities handled at CIMA Laboratories than the consultant did, yes. BY MR. CARTMELL: Q. So I take it that in the Minnesota facility, you did not follow the consultant's recommendation, and you did not put in a suspicious order monitoring program in that facility; is that fair? A. I want to say that today we have SOPs that cover any shipments from facilities outside of the commercial distribution area, but I don't know when it was implemented.

	Page 289		Page 290
1	A. We	1	A. It was Kevin Kreutzer.
2	MR. ANDRISANI: Objection, form.	2	Q. Prior to that time, the company,
3	THE WITNESS: We revised an SOP	3	as far as you know, had never had an individual
4	to include any distribution activities	4	who was specifically assigned to manage the
5	that would happen to occur from any	5	suspicious order monitoring program; is that
6	facility other than the distribution	6	right?
7	center.	7	A. That's correct.
8	BY MR. CARTMELL:	8	Q. And this was part of the
9	Q. I understand. But to make it	9	resources that you had requested from your
10	clear, ultimately, your company decided to	10	superiors?
11	follow that recommendation by the Buzzeo	11	A. Yes.
12	consultant related to the Minnesota facility,	12	Q. As we discussed, the documents
13	correct?	13	reflected that there was a feeling that your DEA
14	MR. ANDRISANI: Objection, form.	14	compliance division was under-resourced, and
15	THE WITNESS: Ultimately, we made	15	this was a job that you felt was necessary,
16	sure that it was covered.	16	correct?
17	BY MR. CARTMELL:	17	A. Yes.
18	Q. Okay. Now, I believe that you	18	MR. ANDRISANI: Objection, form.
19	hired for the first time a suspicious order	19	BY MR. CARTMELL:
20	monitoring manager in January of 2013; is that	20	Q. Where was Mr. Kreutzer hired
21	correct?	21	from?
22	A. That sounds about right.	22	A. I believe he was working at
23	Q. And who was the suspicious order	23	AmerisourceBergen.
24	monitoring manager that you hired?	24	Q. AmerisourceBergen is one of the
	Page 291		D 000
	1496 271		Page 292
1	big three distributors of opioids; is that	1	A. I don't remember exactly. I can
1 2	big three distributors of opioids; is that correct?	1 2	A. I don't remember exactly. I can make some assumptions, but I can't recall.
	big three distributors of opioids; is that correct? A. They were one of the big three		A. I don't remember exactly. I can make some assumptions, but I can't recall. Q. Was the idea that you wanted to
2	big three distributors of opioids; is that correct? A. They were one of the big three distributors of controlled substances, yes.	2	A. I don't remember exactly. I can make some assumptions, but I can't recall. Q. Was the idea that you wanted to hire somebody who had experience with suspicious
2 3	big three distributors of opioids; is that correct? A. They were one of the big three	2 3	A. I don't remember exactly. I can make some assumptions, but I can't recall. Q. Was the idea that you wanted to
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2 3 4 5	big three distributors of opioids; is that correct? A. They were one of the big three distributors of controlled substances, yes. Q. Okay. And what position was Mr. Kreutzer working in when at AmerisourceBergen?	2 3 4 5	A. I don't remember exactly. I can make some assumptions, but I can't recall. Q. Was the idea that you wanted to hire somebody who had experience with suspicious order monitoring at another company, distributor of opioids? A. Yes.
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	Page 293		Page 294
1	DEA and the U.S. Attorneys related to opioid?	1	MS. ROLLINS: Objection to form.
2	A. Him specifically or ABC as a	2	THE WITNESS: Not that I recall.
3	company?	3	I don't know.
4	Q. Either one. Just tell me what	4	BY MR. CARTMELL:
5	you know, if you can.	5	Q. You don't think he told you about
6	A. I mean, I knew I mean, I can	6	that?
7	say that I know that ABC at some point had been	7	A. I don't remember if he did or
8	fined by DEA or was under investigation. I	8	not.
9	don't remember what I recall at the time.	9	Q. Do you now know that within a
10	Q. Specifically, though, did you	10	matter of weeks or months prior to the time he
11	know that Mr. Kreutzer was involved as a	11	started at your company, he had been interviewed
12	potential witness or being interviewed by the	12	by DEA agents?
13	DEA or the U.S. Attorney's Office related to the	13	MS. ROLLINS: Objection to form.
14	distribution of opioids by AmerisourceBergen?	14	THE WITNESS: It does not ring a
15	A. I don't	15	bell.
16	MS. ROLLINS: Object to form.	16	BY MR. CARTMELL:
17	THE WITNESS: I don't remember	17	Q. Was that something that you would
18	specifically.	18	have liked to have known?
19	BY MR. CARTMELL:	19	MS. ROLLINS: Object to the form.
20	Q. Did you know did you know	20	THE WITNESS: It probably would
21	anything about Mr. Kreutzer's involvement with	21	have been nice to know.
22	any DEA of U.S. Attorney investigation related	22	BY MR. CARTMELL:
23	to opioids at the time you were interviewing	23	Q. Have you since learned what that
24	Mr. Kreutzer?	24	investigation by the DEA and/or the U.S.
	Page 295		Page 296
	1490 179		Page 290
1	Attorneys related to opioids was that	1	correct?
1 2	Attorneys related to opioids was that	1 2	
			correct?
2	Attorneys related to opioids was that Mr. Kreutzer was being interviewed about?	2	correct? A. Yes.
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Page 297 Page 298 1 Q. Okay. Sorry about that. We'll 1 form 2 talk about that in a minute. 2 THE WITNESS: Absolutely not. 3 3 When you hired Mr. Kreutzer as BY MR. CARTMELL: manager of the suspicious order monitoring 4 4 Q. Do you recall that he actually 5 system, what did you ask him to do? 5 did contact a customer or a customer's customer? 6 What did I ask Kevin Kreutzer to 6 A. 7 do? 7 O. You don't remember that? 8 Yeah. 8 I don't remember a discussion O. 9 9 He was going to be responsible to about that at all. improve the suspicious order monitoring program 10 10 Q. Do you recall a situation when 11 in general, put in some written procedures and you were angry at him for doing that? 11 12 really make some of the improvements that had 12 A. I don't recall. 13 been recommended. 13 So after firing Mr. Kreutzer, was 14 14 it you who actually fired him? Q. Okay. Why was Mr. Kreutzer fired 15 within a matter of two and a half months after 15 Yes. 16 16 you hired him? Okay. After firing him, once 17 A. He just was not a good fit. 17 again, you were under-resourced, correct? One of the things Mr. Kreutzer 18 18 A. Yes. Q. 19 testified to in this litigation is that, in 19 Q. And how long was it before you 20 large part, he was fired because he actually 20 were able to actually then hire a suspicious 21 contacted a customer about a held order. 21 order monitoring manager? 22 Do you have any knowledge of that 22 A. I don't know the date. We hired 23 being part of the reason why he was fired? 23 Joe Tomkiewicz. I don't remember how long it 24 MR. ANDRISANI: Objection to 24 was. Page 299 Page 300 Q. I think the records reflect that 1 1 about with Mr. Kreutzer, that we should strike 2 he was hired in January of 2014. Is that 2 from the deposition, I want to ask you about a 3 consistent with your memory? 3 document. 4 A. Joe Tomkiewicz? 4 (Document marked for 5 5 Q. Yes. identification as McGinn Deposition 6 A. I don't remember. I couldn't 6 Exhibit No. 19.) 7 tell you. In the interim, Matt Benkert assumed 7 BY MR. CARTMELL: 8 some of the responsibilities for SOM. 8 Q. Hand you Exhibit 19, which is a 9 Q. Matt Benkert, was he the 9 series of e-mails that was produced by Teva in 10 investigator that was hired for the department? 10 this case from your custodial file. 11 A. Matt Benkert was already employed 11 And I'd like to talk to you about 12 by Teva at the time, and we transitioned him 12 this, and because e-mails go in reverse order, I 13 into SOM. 13 want to start on the last page, the e-mail from Kevin Kreutzer to Matt Benkert and Michael 14 Q. Where was he working prior to 14 15 15 that? Edwards. 16 A. He -- I believe he was at the 16 Do you see that? 17 distribution center. What's happening? 17 Yes. 18 18 Q. Go ahead. The subject is "DEA Holds This 19 A. I believe Matt's position was at 19 Afternoon." Does that likely mean that there 20 the distribution center. He was an investigator 20 was a potentially suspicious order for 21 in our New Britain distribution center. 21 controlled substances that was being held? 22 22 Q. Okay. Before we talk about It meant that there were orders 23 Mr. Tomkiewicz, which I want to ask you about 23 that were held that needed to be reviewed. 24 the exact same questions I already did ask you 24 Okay. They were controlled

Page 301 Page 302 1 substances, correct? 1 distributors of opioids or controlled 2 2 A. Yes. substances, right? 3 3 And we'll talk about it in a A. Yes. minute, but if you just quickly -- well, let me 4 4 Q. And, apparently, there were 5 -- let's start over. 5 orders that you can see at the bottom of the 6 So the e-mail states on 6 page that were for controlled substances that 7 February 27th, 2013, I am leaving at 3:30 for an 7 were held because the order was potentially 8 8 appointment. Could you check customer orders suspicious? 9 9 after I leave. A. 10 10 Do you see that? Q. Okay. In the second paragraph it 11 Yes. 11 says, "Can you also provide Mike, Tim and I some A. 12 12 guidance on what your criteria is reviewing, Q. So I take it because Mr. Kreutzer 13 was in charge of monitoring the suspicious 13 evaluating and releasing these orders moving orders, occasionally when he was gone, he would 14 forward." 14 15 have Matt fill in for him? 15 So I take it that Matt is 16 16 basically saying if these guys are going to fill A. Yes. 17 And if you go up one page, Matt 17 in for Kevin Kreutzer, they need to know the responds and says, "Kevin, there were 5 holds in 18 18 criteria on how they should look at these and 19 Oracle tonight. All were for different ABC 19 determine whether or not to release the orders; 20 locations." 20 is that fair? 21 Do you see that? 21 MR. ANDRISANI: Objection, form. THE WITNESS: That's what it 22 Yes. 22 A. 23 Q. So this is AmerisourceBergen 23 looks like. BY MR. CARTMELL: 24 that's being talked about, one of the big three 24 Page 303 Page 304 1 1 Q. -- later in the e-mail. So all Okay. And then Matt asks a 2 2 I'm asking you -series of questions, the first question being, 3 "Are we evaluating orders from the big 4 3 A. Can I read it? differently than the rest?" 4 4 Q. Yeah, go ahead, and I'll wait and 5 Do you see that? 5 ask you in a minute. A. (Witness reviews document.) It 6 A. I see it. 6 I take it that means are they 7 appears that some of this is cut off, the 7 O. 8 evaluating whether to hold or release 8 e-mail. 9 potentially suspicious orders from the big four 9 Q. Yeah, that's the way it was 10 distributors or big four customers differently 10 produced to us by Teva. We actually searched 11 than the rest of the customers; is that your 11 the documents to try to find one that wasn't 12 understanding? 12 cutoff and we can't find it. 13 MR. ANDRISANI: Objection, form. 13 A. Okay. 14 THE WITNESS: I couldn't say what 14 Q. Okay. So back to Mr. Benkert's Matt was talking about here, other than response on February 27, 2013 at 7:17 p m., he's 15 15 asking questions of Kevin Kreutzer, the manager 16 to read the sentence. 16 17 17 of the suspicious order monitoring program, and BY MR. CARTMELL: 18 Q. Okay. Well, you're going to end 18 saying, "Are we evaluating orders from the big 4 19 up being on this string of e-mails, so if you 19 differently than other customers," right? 20 want to take your time. 20 A. Yes. 21 A. Okay. 21 Q. And then if you go forward a 22 But you were asked specifically 22 couple pages or three pages, Mr. Kreutzer Q. 23 about that --23 actually answers that questions and the other 24 24 questions, right? Okay.

Page 305 Page 306 1 Yes. 1 orders for opioids differently or less for the Α. 2 Q. And he says to Mr. Benkert and 2 big four customers than for other customers, do 3 others, "Matt, Mike and Tim, in regards to your 3 you think that's appropriate? questions," and then he lists the first 4 4 A. Honestly, I wouldn't know if it 5 question, "are we evaluating orders from the big 5 was appropriate or not. I've never actually 6 4 differently than the rest?" 6 investigated any suspicious orders. This is the 7 And he says, "Yes, I am not 7 guy that had the experience, so we were relying 8 scrutinizing the big 4 as closely as the 8 on his expertise at the time. 9 9 secondary distributors and retail pharmacy Q. So as the director of the DEA 10 chains." 10 compliance department and who has oversight of 11 Do you see that? 11 the suspicious order monitoring program at that 12 A. I see it, but there's some cut 12 time, you actually didn't know whether it would 13 off. I can't see what else he says. 13 be appropriate to scrutinize potentially 14 Q. It says something like we all 14 suspicious orders of opioids from the big 15 know but we can't -- I don't know what it says 15 customers that provided a lot of sales to Teva because it wasn't provided to us. 16 16 than it would be for the smaller customers? 17 Do you see that? 17 MR. ANDRISANI: Objection, form. 18 Yeah, I don't know what it says 18 BY MR. CARTMELL: A. 19 19 Q. You didn't know that one way or either. 20 20 Q. Okay. But it -- let me ask you the other? 21 first about that. 21 A. I was relying on Kevin's 22 Do you believe it is appropriate 22 expertise, and I don't think he lasted much past 23 for a manager of the suspicious order monitoring 23 this time anyway. I think he was let go not 24 program to scrutinize potentially suspicious 24 long after this. Page 307 Page 308 Okay. Well, let's go forward. 1 1 I think you testified previously 2 2 Then in the next e-mail on the that Mr. Benkert was filling in for 3 3 Mr. Kreutzer's responsibilities for the first page at the bottom, it's from Matt 4 Benkert, and it says, Colleen and Mike, this is 4 suspicious order monitoring program after 5 5 to you on April 1st of 2013 and to Mike Edwards. Mr. Kreutzer was fired; is that fair? 6 Colleen and Mike, below is some criteria for 6 A. Matt was reviewing and releasing 7 order releases that Kevin had developed I 7 orders. 8 requested from him about a month ago. I wanted 8 And so he was doing the job that 9 to follow up now and confirm is this still 9 Mr. Kreutzer had been doing? 10 criteria you would like us to use going forward 10 A portion --A. 11 or is there part or all of this you would like 11 Before fired? Q. 12 to see modified? 12 -- a portion of the job. 13 Do you see that? 13 Right. And so now Matt is going 14 14 to have to be the one who is going to decide So it sounds like maybe 15 whether or not an opioid order that is 15 Q. Mr. Kreutzer had been fired at this point? potentially suspicious should be held and 16 16 17 A. Probably. 17 investigated or released to the customer, 18 And Matt Benkert you said is 18 correct? 19 taking over for him, right? 19 A. 20 20 A. He has not taken over for Kevin. And he's asking you should we 21 He is backfilling. He was not promoted to 21 keep this criteria that Mr. Kreutzer had 22 manager of the SOM program. He was filling in. 22 outlined for us, or should we change it, right? 23 Q. Okay. Let me put that a 23 A. Yes. 24 different way. 24 And you respond on April 1st at Q.

Page 309 Page 310 8:03 p m. 1 1 And so one of the criteria that 2 "Matt, thanks for reviewing the 2 you said was okay and should continue was to not 3 3 orders. I really appreciate the support from scrutinize the big distributors or the big four as Mr. Kreutzer put it as closely as the 4 you and Tim. I would continue to use the 4 5 criteria laid out by Kevin in his e-mail. If 5 secondary distributors when trying to determine you are uncomfortable with any part of the 6 whether you should hold and investigate 6 7 advice he's given, let me know." 7 potentially suspicious orders or release them, 8 8 Do you see that? correct? 9 9 A. Yes. MR. ANDRISANI: Objection, form. 10 THE WITNESS: I said that, and in 10 Q. So, as you've testified, you really didn't have the expertise or knowledge to the next sentence I said if you're 11 11 determine really what the criteria should be for 12 uncomfortable with any part of the 12 13 releasing orders at that time, correct? 13 advice he's given, let me know. 14 14 MR. ANDRISANI: Objection. BY MR. CARTMELL: 15 THE WITNESS: Yes. 15 Q. Okay. But Mr. Benkert was 16 actually asking Mr. Kreutzer for his advice 16 BY MR. CARTMELL: 17 That's true, right? 17 because he thought Mr. Kreutzer had more 18 A. I would say that I did not have 18 experience, right? 19 the experience in reviewing orders in a 19 A. Matt handled suspicious order 20 20 monitoring at ABC as well. He had experience in suspicious order monitoring program and 21 releasing them. 21 suspicious order monitoring prior to being 22 22 employed at Teva. O. And so the criteria included 23 Mr. Kreutzer's criteria, which was to 23 Q. Now, after years of experience scrutinize -- strike that. 24 being the director of the DEA compliance, as 24 Page 311 Page 312 we've discussed, at one -- if not, the largest 1 1 BY MR. CARTMELL: 2 2 manufacturer of generic opioids in the United Q. Or do you know? 3 States and for having oversight of the 3 A. I don't know. 4 suspicious order monitoring program for years, 4 Q. It's possible, right? 5 would you agree with me that it would not be a 5 MR. ANDRISANI: Objection, form. б good practice to scrutinize the big four 6 THE WITNESS: I couldn't tell you 7 customers, distributors of opioids less than 7 one way or the other. 8 other distributors of opioids? 8 BY MR. CARTMELL: 9 MR. ANDRISANI: Objection to 9 Would you agree with me that if 10 10 less scrutiny had been given to the big four form. 11 THE WITNESS: Based on the 11 distributors of opioids, then it's possible that 12 information I have today in 2018, I 12 suspicious orders put in by those big four may 13 would say no. 13 have slipped through the cracks and been 14 BY MR. CARTMELL: 14 diverted? Q. You would agree that would not be 15 15 MR. ANDRISANI: Objection to 16 a good practice, correct? 16 form. 17 A. I would agree based on the 17 THE WITNESS: I can't say that. information now that we have today that it would 18 18 BY MR. CARTMELL: 19 not be a good practice. 19 You don't know? O. 20 20 Q. And so did this policy that I don't know. A. 21 essentially was put in place in April continue 21 Can I hand you what's been marked Q. 22 in effect for eight months until Mr. Tomkiewicz 22 as Exhibit 20. 23 was hired? 23 (Document marked for MR. ANDRISANI: Objection, form. 24 24 identification as McGinn Deposition

Page 313 Page 314 1 Exhibit No. 20.) 1 him yesterday." BY MR. CARTMELL: Do you see that? 2 2 3 3 O. Ms. McGinn, Exhibit 20 is a Yes. 4 one-page e-mail --4 So it looks like what was 5 5 Ms. McGinn, Exhibit 20 is a happening here was Mr. Kreutzer who was in 6 one-page e-mail that was produced from your 6 charge of investigating potentially suspicious 7 custodial file in this litigation that involves 7 orders of controlled substances was trying to 8 you and Mr. Kreutzer, who we have been talking 8 investigate a hold on an order of controlled 9 9 about. substances and he reached out to the customer 10 10 Do you see that? himself, right? 11 Yes. 11 He reached out to our customer's A. 12 As we discussed, based on the 12 customer himself. 13 records, Mr. Kreutzer was fired by you in April 13 Q. Okay. We've talked about doing 14 of 2013 is that consistent with your memory? 14 due diligence and investigating your customer's 15 A. Somewhere around there, yeah. 15 customer, right? 16 16 Starting from the bottom, this A. Yes. O. 17 states in March of 2013, Mr. Kreutzer sends an 17 That's one of the things that the e-mail to you saying, "FYI. You may be hearing DEA has said Teva and other manufacturers and 18 18 19 from Michelle Osmian about me contacting a 19 distributors of opioids should do in order to 20 Cardinal customer by phone. Initially, I did go 20 help them identify suspicious orders, correct? 21 through customer service rep but the 21 MR. ANDRISANI: Objection to 22 conversation was more involved and I needed 22 form. 23 clarification. So Daniel in customer service 23 THE WITNESS: They've said it, 24 set up a call with the purchaser and I spoke to 24 but not how to do it or what you're Page 315 Page 316 1 reached out to the customer's customer, and he's 1 supposed to do. 2 2 telling you that you may get a call about that, BY MR. CARTMELL: 3 Q. Yeah, but you know that that's 3 and then you respond to his e-mail, "I don't 4 one of the things that the DEA has said would be 4 understand why you would contact Cardinal's 5 5 a good practice and would be helpful to identify customer. We have no relationship with them." б potentially suspicious or suspicious orders of 6 Do you see that? 7 7 opioids, correct? A. Yes. 8 MR. ANDRISANI: Objection, form. 8 Q. So Mr. Kreutzer has done some 9 THE WITNESS: Would be to know 9 downstream investigation, and it sounds like 10 your customers -- who your customer's 10 you're angry at him for doing that, correct? 11 11 A. What I'm saying here is I don't customer is. 12 BY MR. CARTMELL: 12 understand. We would typically ask our customer 13 Well and investigate them, right? 13 to get the information from their customer and 14 MR. ANDRISANI: Objection, form. 14 not reach out to a customer's customer directly. THE WITNESS: Investigate is a 15 15 Q. Did that make you angry? 16 big word. To know who they were and how 16 A. I don't know about angry. I just 17 they operated. 17 didn't understand it. 18 BY MR. CARTMELL: 18 Q. And then he responds, I e-mailed 19 Q. Right, and the reason you want to 19 Daniel in customer service about an order with 20 20 acetaminophen with codeine, which is a know them, who they are and how they operate is 21 because you want to see if there's any 21 controlled substances, correct? 22 potentially suspicious activity, correct? 22 Yes. A. 23 A. Yes. 23 Q. That exceeded the quarterly 24 Q. Okay. So Mr. Kreutzer has 24 limit.

Page 317 Page 318 1 He then says at the end, lesson 1 A. Let me be clear, there are times 2 learned, I will only communicate, in all caps 2 when Joe talks to a customer directly --3 3 only, with customer service. I apologize. Q. I understand that. 4 Do you see that? 4 A. -- when it's warranted, so it's 5 A. 5 not every time. But the initial contact is Yes. 6 Q. And there was a policy at Teva, б usually done through customer service. 7 and still is today, that when investigating 7 Q. I understand that. My question 8 suspicious orders of opioids, that the initial 8 is a little different. 9 contact and investigation should be done by 9 Is the reason why customer 10 10 customer service, correct? service typically or the policy is they make the 11 11 MR. ANDRISANI: Objection, form. initial contact about the investigation of 12 12 THE WITNESS: The contact is potentially suspicious opioids because you don't 13 initiated by customer service. We, as 13 want to disrupt the business relationship with a 14 14 in Joe Tomkiewicz provides the customer? 15 information that we need from the 15 MR. ANDRISANI: Objection, form, 16 16 customer. The customer service reps lacks foundation. 17 forwards that information to the 17 THE WITNESS: They have the 18 18 personal contact with the customer that customer. 19 BY MR. CARTMELL: 19 we don't have. They know the people 20 20 Q. And is the reason why only typically and would prefer to maintain 21 customer service is supposed to have the contact 21 that relationship with them. 22 with the customer about the investigation is 22 BY MR. CARTMELL: Q. Is there a fear by the customer 23 because you don't want to disrupt the 23 24 relationship? 24 service that possibly being contacted by DEA Page 319 Page 320 compliance may upset them or upset the 1 1 MR. ANDRISANI: And I'll object 2 relationship? 2 to form. It lacks foundation. 3 MR. ANDRISANI: Objection, form. 3 THE WITNESS: I don't remember if THE WITNESS: I don't know what 4 4 it was brought up during the interview, 5 their belief is. 5 but at some point in time, I became 6 BY MR. CARTMELL: 6 aware of it. 7 Q. Now, when Mr. Tomkiewicz was 7 BY MR. CARTMELL: 8 hired to work at Teva as the new suspicious 8 Q. Do you think he told you before 9 order monitoring manager after Mr. Kreutzer was 9 you hired him? 10 fired, were you involved in recruiting him? 10 A. I honestly don't remember. 11 A. When you say "recruiting," 11 Q. Mr. Tomkiewicz worked for 12 interviewing him, yes. 12 AmerisourceBergen, one of Teva's customers; is Was he recruited by you? 13 13 that right? Matt Benkert brought him to my 14 14 15 attention and thought it would be a good idea to Q. And, again, I take it that you 15 16 hire Joe. wanted to hire somebody who worked at a big 16 17 Q. And you had been looking for a 17 distributor or manufacturer of opioids and who new suspicious order monitoring manager for 18 18 had experience related to suspicious order 19 eight months; is that right? 19 monitoring? 20 A. That's probably about right. 20 A. We wanted somebody who had 21 And did you know when you were 21 experience in suspicious order monitoring, yes. 22 interviewing Mr. Tomkiewicz that he was involved 22 Q. Okay. Did he tell you, you 23 in an investigation by the DEA and the U.S. 23 think, while you were interviewing him and Attorneys related to opioids? 24 24 before you hired him that DEA agents had shown

	Page 321		Page 322
1	up at his door and told him that he needed to	1	under investigation by the DEA since 2008?
2	get counsel?	2	MR. ANDRISANI: Objection, form,
3	MR. ANDRISANI: Objection, asked	3	lacks foundation.
4	and answered, lacks foundation.	4	
	THE WITNESS: I don't know if he	5	MS. ROLLINS: Objection, form. THE WITNESS: I don't know if he
5 6		6	
7	told me during the interview, but I am aware that he revealed that at some	7	had told me how long they were being investigated, but I knew that ABC was
8		8	being investigated.
	point in time.	9	BY MR. CARTMELL:
9	BY MR. CARTMELL:	10	Q. Did you ever find out whether or
10 11	Q. Could have been after you hired him?	11	not any of the allegations in the investigation
12		12	in which he was contacted about had to do with
	MR. ANDRISANI: Objection, form.	13	any of his actions, or do you know?
13	THE WITNESS: It may have been.	14	MR. ANDRISANI: Objection, form.
14	BY MR. CARTMELL:	15	THE WITNESS: I don't know.
15	Q. Did he ultimately tell you what	16	BY MR. CARTMELL:
16	the investigation was about in which he was	17	
17	contacted by DEA agents and met with DEA agents	18	Q. Okay. Now, I think you mentioned that the new suspicious order manager or
18	and U.S. Attorneys?	19	monitoring manager was hired to, for one, put
19	A. If he did, I don't remember the	20	into effect some formal written SOPs, right?
20	specifics. I obviously knew it was something to	21	A. Yes.
21	do with suspicious order monitoring, but I don't	22	Q. Standard operating procedures,
22	know if I knew the specifics.	23	right?
24	Q. Did he tell you that AmerisourceBergen, where he had worked, had been	24	A. Yes.
24	Amerisourcebergen, where he had worked, had been		11. 160.
	Page 323		Page 324
1	Q. And as of 2014 or the middle of	1	A. Yes.
2	2014, there were no formal written standard	2	Q. Okay. So he wrote that in
3	operating procedures for the suspicious order	3	conjunction with Teva's IT?
4	monitoring program, correct?		•
		4	A. Yes.
5	A. There were drafts.	4 5	A. Yes. Q. This is a good thing, I'm going
5 6			
	A. There were drafts. Q. They didn't go into effect until I believe the summer of 2014; is that right?	5	Q. This is a good thing, I'm going through pages here.A. Please keep going.
6	A. There were drafts. Q. They didn't go into effect until I believe the summer of 2014; is that right? A. I don't know when they went into	5 6	Q. This is a good thing, I'm going through pages here.A. Please keep going.MR. ANDRISANI: We're all happy
6 7	A. There were drafts. Q. They didn't go into effect until I believe the summer of 2014; is that right?	5 6 7	Q. This is a good thing, I'm going through pages here.A. Please keep going. MR. ANDRISANI: We're all happy watching you.
6 7 8 9 10	A. There were drafts. Q. They didn't go into effect until I believe the summer of 2014; is that right? A. I don't know when they went into effect, to be honest. I don't know the exact date.	5 6 7 8 9	 Q. This is a good thing, I'm going through pages here. A. Please keep going. MR. ANDRISANI: We're all happy watching you. THE WITNESS: Are you getting
6 7 8 9 10 11	A. There were drafts. Q. They didn't go into effect until I believe the summer of 2014; is that right? A. I don't know when they went into effect, to be honest. I don't know the exact date. Q. Mr. Tomkiewicz testified that he	5 6 7 8 9 10 11	Q. This is a good thing, I'm going through pages here. A. Please keep going. MR. ANDRISANI: We're all happy watching you. THE WITNESS: Are you getting tired?
6 7 8 9 10 11 12	A. There were drafts. Q. They didn't go into effect until I believe the summer of 2014; is that right? A. I don't know when they went into effect, to be honest. I don't know the exact date. Q. Mr. Tomkiewicz testified that he was hired in part to revamp or improve the	5 6 7 8 9 10 11 12	Q. This is a good thing, I'm going through pages here. A. Please keep going. MR. ANDRISANI: We're all happy watching you. THE WITNESS: Are you getting tired? BY MR. CARTMELL:
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6 7 8 9 10 11 12 13	A. There were drafts. Q. They didn't go into effect until I believe the summer of 2014; is that right? A. I don't know when they went into effect, to be honest. I don't know the exact date. Q. Mr. Tomkiewicz testified that he was hired in part to revamp or improve the suspicious order monitoring algorithm that was used, the computer algorithm that was used? Is	5 6 7 8 9 10 11 12 13 14	Q. This is a good thing, I'm going through pages here. A. Please keep going. MR. ANDRISANI: We're all happy watching you. THE WITNESS: Are you getting tired? BY MR. CARTMELL: Q. Big Xs, big Xs are good. MR. ANDRISANI: Nobody is happier
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. There were drafts. Q. They didn't go into effect until I believe the summer of 2014; is that right? A. I don't know when they went into effect, to be honest. I don't know the exact date. Q. Mr. Tomkiewicz testified that he was hired in part to revamp or improve the suspicious order monitoring algorithm that was used, the computer algorithm that was used? Is that true? MR. ANDRISANI: Objection, form. THE WITNESS: We would have wanted him to be involved in that, yes. BY MR. CARTMELL: Q. And the new algorithm that was put in place in 2015, is that something Mr. Tomkiewicz wrote?	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. This is a good thing, I'm going through pages here. A. Please keep going. MR. ANDRISANI: We're all happy watching you. THE WITNESS: Are you getting tired? BY MR. CARTMELL: Q. Big Xs, big Xs are good. MR. ANDRISANI: Nobody is happier than the young lady to your right. THE WITNESS: I don't know about that. (Document marked for identification as McGinn Deposition Exhibit No. 22.) BY MR. CARTMELL: Q. I hand you what's been marked as

	Page 325		Page 326
1	in this litigation. This was a document that	1	Q. It states, Dear all, attached
2	was found in your custodial file.	2	please find the Final Audit report of Teva's DEA
3	Are you familiar with this audit?	3	department, right?
4	A. Yes.	4	A. Yes.
5	Q. I want to ask you some questions	5	Q. All right. So if you turn the
6	about this audit, but, first of all, to put this	6	page, the attachment is, in fact, the final
7	in perspective, we've now fast forwarded to	7	audit; is that right?
8	2015.	8	A. Yes.
9	Do you see that?	9	Q. It's dated August 19th of 2015,
10	A. Yes.	10	correct?
11	Q. And so at this time, you had been	11	A. Yes.
12	the director, and I think you may have been	12	Q. And the next page, there is an
13	senior director now, of the DEA compliance	13	"Executive Summary" that I just want to ask you
14	department; is that correct?	14	about.
15	A. Yes.	15	Under "Preface" it states the
16	Q. You got a promotion, right?	16	Operational and R&D Audit group of Global
17	A. Yeah, yes.	17	Internal Audit conducted during July 2015 an
18	Q. This e-mail is talking about an	18	audit of the DEA department. The audit was
19	internal audit of the DEA compliance department	19	conducted in accordance with 2015 GIA Plan as
20	at Teva, right?	20	approved by the audit committee of Teva's Board
21	A. Yes.	21	of Directors.
22	Q. And that was the department that	22	Do you see that?
23	you were the senior director of, correct?	23	A. Yes.
24	A. Correct.	24	Q. So I take it at this time in
	A. Collect.		Q. So I take it at this time in
	Page 327		Page 328
	5		rage 320
1	2015, Teva's Board of Directors or pursuant to	1	Q. Including you, correct?
1 2		1 2	
	2015, Teva's Board of Directors or pursuant to		Q. Including you, correct?
2	2015, Teva's Board of Directors or pursuant to their orders was doing audits of internal	2	Q. Including you, correct?A. Yes.
2 3	2015, Teva's Board of Directors or pursuant to their orders was doing audits of internal departments, different internal departments; is	2 3	Q. Including you, correct?A. Yes.Q. And then they were on site to do
2 3 4	2015, Teva's Board of Directors or pursuant to their orders was doing audits of internal departments, different internal departments; is that correct?	2 3 4	Q. Including you, correct?A. Yes.Q. And then they were on site to doan assessment of whether or not the group was in
2 3 4 5	2015, Teva's Board of Directors or pursuant to their orders was doing audits of internal departments, different internal departments; is that correct? A. Yes.	2 3 4 5	Q. Including you, correct? A. Yes. Q. And then they were on site to do an assessment of whether or not the group was in compliance with the DEA, correct?
2 3 4 5 6	2015, Teva's Board of Directors or pursuant to their orders was doing audits of internal departments, different internal departments; is that correct? A. Yes. Q. Okay. And what do you recall	2 3 4 5 6	 Q. Including you, correct? A. Yes. Q. And then they were on site to do an assessment of whether or not the group was in compliance with the DEA, correct? A. Yes.
2 3 4 5 6 7	2015, Teva's Board of Directors or pursuant to their orders was doing audits of internal departments, different internal departments; is that correct? A. Yes. Q. Okay. And what do you recall about this audit, as far as how it occurred?	2 3 4 5 6 7	Q. Including you, correct? A. Yes. Q. And then they were on site to do an assessment of whether or not the group was in compliance with the DEA, correct? A. Yes. Q. It states under "Objectives,
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	2015, Teva's Board of Directors or pursuant to their orders was doing audits of internal departments, different internal departments; is that correct? A. Yes. Q. Okay. And what do you recall about this audit, as far as how it occurred? MR. ANDRISANI: Objection, form, vague. THE WITNESS: Yeah, I'm not sure what you're looking for. I mean, it was conducted by the global internal audit committee from Israel. BY MR. CARTMELL: Q. They came over from Israel?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Including you, correct? A. Yes. Q. And then they were on site to do an assessment of whether or not the group was in compliance with the DEA, correct? A. Yes. Q. It states under "Objectives, Scope and Method, The aims of the audit were to review the overall way in which the DEA activities are handled in the US by the DEA department, to assess the various internal processes and to ensure that the risks associated with the activities are properly managed." Do you see that?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	2015, Teva's Board of Directors or pursuant to their orders was doing audits of internal departments, different internal departments; is that correct? A. Yes. Q. Okay. And what do you recall about this audit, as far as how it occurred? MR. ANDRISANI: Objection, form, vague. THE WITNESS: Yeah, I'm not sure what you're looking for. I mean, it was conducted by the global internal audit committee from Israel. BY MR. CARTMELL: Q. They came over from Israel? A. Yes. Q. And I'll ask you some specific questions. They interviewed lots of people,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Including you, correct? A. Yes. Q. And then they were on site to do an assessment of whether or not the group was in compliance with the DEA, correct? A. Yes. Q. It states under "Objectives, Scope and Method, The aims of the audit were to review the overall way in which the DEA activities are handled in the US by the DEA department, to assess the various internal processes and to ensure that the risks associated with the activities are properly managed." Do you see that? A. Yes. Q. And that's the department you were managing at this time, right? A. That's correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	2015, Teva's Board of Directors or pursuant to their orders was doing audits of internal departments, different internal departments; is that correct? A. Yes. Q. Okay. And what do you recall about this audit, as far as how it occurred? MR. ANDRISANI: Objection, form, vague. THE WITNESS: Yeah, I'm not sure what you're looking for. I mean, it was conducted by the global internal audit committee from Israel. BY MR. CARTMELL: Q. They came over from Israel? A. Yes. Q. And I'll ask you some specific questions. They interviewed lots of people, right?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. Including you, correct? A. Yes. Q. And then they were on site to do an assessment of whether or not the group was in compliance with the DEA, correct? A. Yes. Q. It states under "Objectives, Scope and Method, The aims of the audit were to review the overall way in which the DEA activities are handled in the US by the DEA department, to assess the various internal processes and to ensure that the risks associated with the activities are properly managed." Do you see that? A. Yes. Q. And that's the department you were managing at this time, right? A. That's correct. Q. If you turn the page under "The
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	2015, Teva's Board of Directors or pursuant to their orders was doing audits of internal departments, different internal departments; is that correct? A. Yes. Q. Okay. And what do you recall about this audit, as far as how it occurred? MR. ANDRISANI: Objection, form, vague. THE WITNESS: Yeah, I'm not sure what you're looking for. I mean, it was conducted by the global internal audit committee from Israel. BY MR. CARTMELL: Q. They came over from Israel? A. Yes. Q. And I'll ask you some specific questions. They interviewed lots of people, right? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Including you, correct? A. Yes. Q. And then they were on site to do an assessment of whether or not the group was in compliance with the DEA, correct? A. Yes. Q. It states under "Objectives, Scope and Method, The aims of the audit were to review the overall way in which the DEA activities are handled in the US by the DEA department, to assess the various internal processes and to ensure that the risks associated with the activities are properly managed." Do you see that? A. Yes. Q. And that's the department you were managing at this time, right? A. That's correct. Q. If you turn the page under "The DEA Department," the second bullet point states,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	2015, Teva's Board of Directors or pursuant to their orders was doing audits of internal departments, different internal departments; is that correct? A. Yes. Q. Okay. And what do you recall about this audit, as far as how it occurred? MR. ANDRISANI: Objection, form, vague. THE WITNESS: Yeah, I'm not sure what you're looking for. I mean, it was conducted by the global internal audit committee from Israel. BY MR. CARTMELL: Q. They came over from Israel? A. Yes. Q. And I'll ask you some specific questions. They interviewed lots of people, right? A. Yes. Q. Was most people in management	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Including you, correct? A. Yes. Q. And then they were on site to do an assessment of whether or not the group was in compliance with the DEA, correct? A. Yes. Q. It states under "Objectives, Scope and Method, The aims of the audit were to review the overall way in which the DEA activities are handled in the US by the DEA department, to assess the various internal processes and to ensure that the risks associated with the activities are properly managed." Do you see that? A. Yes. Q. And that's the department you were managing at this time, right? A. That's correct. Q. If you turn the page under "The DEA Department," the second bullet point states, "The dept. has 17 members who oversee the DEA

	Page 329		Page 330
1	So the size of your department at	1	Q. Okay. I want to ask you about
2	that time was 17. Is that consistent with your	2	some of the findings, and if you go to the
3	memory?	3	detailed report at the last three Bates digits 5
4	A. Yeah, somewhere around there, I'm	4	let's see, 575, there was a finding related
5	sure.	5	to risk management in your department.
6	Q. Is that about the same as it is	6	Do you see that?
7	now?	7	A. Yes.
8	A. Yes.	8	Q. The observation from the internal
9	Q. Has it has it shrunk?	9	audit group who came and audited your department
10	A. It has fluctuated. It grew	10	said, "The overall risk of the DEA operation is
11	larger and then has shrunk.	11	in noncompliance with DEA requirements."
12		12	Do you see that?
13		13	A. I see it.
14		14	
	Q. Okay. And then the second to		Q. "This can lead from anything to
15	last bullet point states, "The organizational	15	issuing 'letter of admonition' up to withdrawal
16	structure of the team is highly decentralized.	16	of the sites' registrations."
17	The 17 team members are based in seven different	17	Do you see that?
18	locations."	18	A. Yes.
19	So that just means that your	19	Q. So at least the finding by the
20	group is not all in one place, they're in lots	20	auditors as of 2015 in the summer, they were
21	of different areas and locations, right?	21	saying that from a risk management perspective,
22	A. We would have representatives at	22	there was a risk to your department that could
23	the manufacturing sites at each DEA registrant,	23	lead to the loss of a license, correct?
24	for the most part.	24	MR. ANDRISANI: Objection, form.
	Page 331		Page 332
1	THE WITNESS: What he's saving	1	about the findings. Second paragraph states.
1 2	THE WITNESS: What he's saying	1 2	about the findings. Second paragraph states,
2	here is that risk management is part	2	"Various risks (security, quota, suspicious
2	here is that risk management is part is a DEA requirement, which it is not.	2 3	"Various risks (security, quota, suspicious monitoring, import/export and handling of
2 3 4	here is that risk management is part is a DEA requirement, which it is not. BY MR. CARTMELL:	2 3 4	"Various risks (security, quota, suspicious monitoring, import/export and handling of documentations) are handled at differing levels
2 3 4 5	here is that risk management is part is a DEA requirement, which it is not. BY MR. CARTMELL: Q. Is this another audit internally	2 3 4 5	"Various risks (security, quota, suspicious monitoring, import/export and handling of documentations) are handled at differing levels of performance, but not in an overall,
2 3 4 5 6	here is that risk management is part is a DEA requirement, which it is not. BY MR. CARTMELL: Q. Is this another audit internally that was done by your company that you disagree	2 3 4 5 6	"Various risks (security, quota, suspicious monitoring, import/export and handling of documentations) are handled at differing levels of performance, but not in an overall, methodological and orderly way."
2 3 4 5 6 7	here is that risk management is part is a DEA requirement, which it is not. BY MR. CARTMELL: Q. Is this another audit internally that was done by your company that you disagree with?	2 3 4 5 6 7	"Various risks (security, quota, suspicious monitoring, import/export and handling of documentations) are handled at differing levels of performance, but not in an overall, methodological and orderly way." Do you see that?
2 3 4 5 6 7 8	here is that risk management is part is a DEA requirement, which it is not. BY MR. CARTMELL: Q. Is this another audit internally that was done by your company that you disagree with? A. This is an audit done by an	2 3 4 5 6 7 8	"Various risks (security, quota, suspicious monitoring, import/export and handling of documentations) are handled at differing levels of performance, but not in an overall, methodological and orderly way." Do you see that? A. I see it.
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Page 334 Page 333 1 Q. Do you disagree with that? 1 MR. CARTMELL: Okay. I'm going 2 What I disagree with is that it's 2 to object and move to strike that and A. 3 3 a requirement by DEA. ask the question again. 4 Q. Okay. Do you disagree with the 4 BY MR. CARTMELL: 5 findings? 5 Q. Do you disagree with the auditors MR. ANDRISANI: Objection, form. б who found that there's no organized overall risk 6 7 MR. CARTMELL: That this was --7 management process, no centralized and orderly 8 go ahead, sorry. 8 list of DEA risks and no orderly heat-map of the 9 9 MR. ANDRISANI: Objection, form. risks that the DEA department deals with as of 10 10 BY MR. CARTMELL: 2015? 11 11 Q. Do you disagree with the findings Do you disagree with those 12 12 findings by the auditor? that there's no organized overall risk 13 management process --13 MR. ANDRISANI: Objection, form. 14 MR. ANDRISANI: Objection. 14 THE WITNESS: At the time of the 15 BY MR. CARTMELL: 15 audit --16 Q. -- no centralized and orderly 16 BY MR. CARTMELL: 17 list of DEA risks and no orderly heat-map of the 17 Q. I'm really just asking if you 18 risk that the DEA department deals with, do you 18 disagree with the findings. 19 disagree with those findings by the internal 19 MR. ANDRISANI: I'm going to 20 20 auditors? object because, one, these are 21 MR. ANDRISANI: Objection, form. 21 observations, not findings, and she's 22 THE WITNESS: At the time of the 22 trying to explain what she disagrees 23 audit, there was not a risk map for DEA 23 with because it's hard to just agree or compliance. 24 24 not agree with something written on a Page 335 Page 336 piece of paper by somebody else. 1 1 risk map. 2 MR. CARTMELL: Okay. But I think 2 BY MR. CARTMELL: 3 what she's trying to do is answer a 3 Q. Do you disagree that they 4 different question, okay, and really all 4 observed that you didn't have any organized 5 overall risk management process? 5 I want to know, for the record, is 6 whether these -- and I'll call them 6 Not the one he was looking for. 7 7 So you disagree with that, or you observations, she disagreed with or not, Q. 8 and then I'll move on. 8 agree? 9 BY MR. CARTMELL: 9 We know what the risks are with 10 Q. Let me restate the question. 10 DEA compliance. He was looking for a heat-map, 11 The observations by the auditors 11 which he did not have -- we did not have at the 12 12 who interviewed you and several other members of time of the audit. Q. Do you disagree with his 13 your department that you were running at the 13 observations that you had no centralized and 14 time, the observations that there was no 14 15 organized overall risk management process, that orderly list of DEA risks? Do you disagree with 15 16 there was no centralized and orderly list of DEA 16 that observation by the auditor? 17 risks and that there was no orderly heat-map of 17 Yeah, I mean, as he states here, 18 18 the risk that the DEA department deals with, do the main risks are somehow handled in a routine 19 you disagree that those were observations, those 19 management process, but no centralized risk 20 were accurate observations by the auditor as of 20 management approach led by the DEA department in 21 2015? 21 the paragraph below. 22 MR. CARTMELL: Object and move to 22 MR. ANDRISANI: Objection, form. 23 THE WITNESS: It would be 23 strike. 24 accurate to say that we did not have a 24 BY MR. CARTMELL:

Page 337 Page 338 1 Q. Do you disagree with the finding 1 This is your department he's talking about, isn't he? 2 by this auditor where he says that your 2 department had no centralized and orderly list 3 3 A. He is. 4 of DEA risks? Do you disagree with that? 4 Do you disagree with that 5 A. I would disagree. 5 potential risk that the auditors found at Teva? Q. And do you disagree with the 6 A. I would disagree. 6 7 observation of the auditor when he said that 7 Q. And then the auditors stated that 8 your department -- various risks are handled at 8 the category of these findings of your 9 differing levels of performance but not in an 9 department related to risk management was high, 10 10 overall methodological and orderly way? correct? 11 MR. ANDRISANI: Objection to 11 A. Yes. 12 And we can determine what a high 12 form. O. 13 risk or a high category, high risk category THE WITNESS: He's talking about 13 means if you go to the last page, right? 14 the risks and the components of a DEA 14 15 program, I would disagree. 15 There's definition of risk rankings. 16 16 BY MR. CARTMELL: A. Mm-hmm. 17 The auditor actually then states 17 And high risk means "This is a serious internal control or risk management 18 the potential risks that were found, and he 18 19 says, "Lack of overall vision of the risks and 19 issue that if not mitigated may, with a high 20 20 degree of certainty, lead to substantial losses unfocused handling thereof, mistaken 21 prioritization of the time and manner in which 21 (at Local level), possibly in conjunction with 22 they should be handled." 22 other weaknesses in the control framework or the 23 Do you see that? 23 organizational entity or process being audited. 24 I see it. 24 Serious violation of corporate strategies, Page 339 Page 340 policies or values. Serious reputation damages, back to the page that we talked about where the 1 1 2 such as negative publicity in national or 2 observations were that led to the high risk 3 international media. Significant adverse 3 category, there is a "Management Response/Action 4 regulatory impact, such as loss of operating 4 Plan." licenses and material fines." 5 5 Do you see that? 6 Do you see that? 6 Yes. 7 A. Yes. 7 And it says "Agreed," doesn't it? Q. 8 Your department that you were 8 A. 9 running after three years of being the director 9 So at the time you were asked Q. 10 of the DEA compliance department was found to be 10 what the response would be of your department, 11 high risk as far as risk management, correct? 11 you agreed with those findings, didn't you? 12 MR. ANDRISANI: Objection, form. 12 A. I agreed to provide him a risk 13 THE WITNESS: That was his 13 heat-map. Q. Okay. Let's go and look at 14 14 opinion. 15 15 another finding related to your department on BY MR. CARTMELL: 16 Q. It then states, "As a high risk 16 last three digits 581. 17 17 issue, immediate management attention is The auditors also evaluated and required. The finding is reported to the Audit assessed the suspicious order monitoring program 18 18 19 Committee quarterly." 19 that was in effect in your department; is that 20 Do you see that? 20 right? 2.1 Yes. 21 A. Yes. A. 22 22 And so it's clear, if you go back In other words, they came over 23 to the prior page where this observation is, 23 and they interviewed you and the other managers in the department and other employees in the 24 there's a section, this is at 575, if you go 24

Page 341 Page 342 1 department to find out whether or not that was a 1 checked and placed on hold until they will be 2 rechecked by trained team members of 2 fully compliant suspicious order monitoring 3 3 program, correct? suspicious -- of excuse me -- suspicious order 4 A. Yes. 4 monitoring and then the release is enabled. 5 Okay. If you look at the 5 O. Is that consistent with the 6 observations by the auditor, it states, "In 6 process? 7 order to identify anomalous sales activity, an 7 A. That's what's stated here. I 8 overall process of reviewing all sales order is 8 don't know if the process, if the percentages 9 conducted by the 'DefOps'." 9 are accurate, but that's what's stated here. 10 Now, that's the computer program 10 Q. Okay. Now, I want to refer you that Mr. Tomkiewicz wrote and became in effect 11 back to when we were talking earlier about the 11 12 in the middle of 2015, correct? 12 SORDS computer. You'll remember that 13 A. In March 2015, yes. 13 Mr. Buzzeo's consulting company when it was 14 Oh, I'm sorry, it was March, 14 actually evaluating the SORDS system and the 15 okay. 15 suspicious order monitoring program, it said 16 Skipping down a little bit, it 16 that approximately I think was ten orders were 17 says, "DefOps sifts through approximately 10,000 17 pended or flagged weekly. 18 monthly order line items and automatically 18 Do you remember that? 19 releases approximately 95% of the orders that 19 A. Yes. 20 fit a customer's normal order pattern." 20 Q. So, apparently, when DefOps took 21 Do you see that? over and SORDS went out and maybe SORDS II had 21 22 Yes. A. 22 more than that, it went up to 10,000 orders and 23 Q. The remaining 5% of the orders 23 500 of those a month being pended, correct? that did not pass initial sorting are manually 24 24 MR. ANDRISANI: Objection, form. Page 343 Page 344 THE WITNESS: Based on the 1 the product mix was, how many more 1 2 2 orders it was. I have nothing to base percentages he has here. 3 BY MR. CARTMELL: 3 that on. 4 Q. So the SORDS computer algorithm 4 BY MR. CARTMELL: 5 that was used by Teva for many years to identify 5 Q. If you go down a little bit, it 6 suspicious orders was, according to Buzzeo 6 states, "From a total share of delayed orders, 7 report, pending or flagging as potentially 7 only a small quantity are delayed for more than 8 suspicious orders approximately 40 a month, 8 one day (approx. 25 orders a month)." 9 9 Do you see that? correct? 10 10 A. Yes. A. Yes. 11 And DefOps was pending and 11 So out of the 500 that are pended O. 12 flagging potentially suspicious orders of 12 monthly or flagged for potentially being 13 approximately 500 a month, correct? 13 suspicious, approximately 25 of those actually MR. ANDRISANI: Objection, form. 14 14 are even held for more than one day for THE WITNESS: Based on this, yes. 15 15 investigation, right? 16 16 BY MR. CARTMELL: MR. ANDRISANI: Objection, form. 17 Q. Fair to say that a large number 17 THE WITNESS: That's what he says 18 of potentially suspicious orders were likely 18 here. 19 slipping through the cracks when SORDS was in 19 BY MR. CARTMELL: 20 effect? 20 O. And I've looked at the document, 21 MR. ANDRISANI: Objection, form, 21 and it looks like the documents from the system, 22 22 the Oracle system that's used, a huge number of lacks foundation. 23 THE WITNESS: I mean, that's 23 the held orders are actually released within a 24 three years later. I don't know what 24 matter of minutes, aren't they?

	Page 345		Page 346
1	A. I don't know, because I don't	1	don't know.
2	release the orders, I couldn't tell you.	2	Q. Okay. It then states, "The
3	Q. It states, "and during the last	3	manual testing process for the segment of
4	year only 2 suspicious order reports were	4	suspicious orders and the release of
5	submitted to the DEA agency."	5	approximately 5% of them is conducted by one
6	Do you see that?	6	person who has the authority to change the
7	A. Yes.	7	status of orders from 'hold' to 'release'.
8	Q. And we're in 2015, correct, at	8	Granting exclusive authority to a single person
9	the time of this audit report?	9	to release a suspicious order constitutes a risk
10	A. Yes.	10	for mistakes."
11	Q. So out of the 10,000 monthly or	11	Do you see that?
12	120,000 orders in a year, only two of those	12	A. I see it.
13	orders were actually found to be suspicious	13	Q. Do you agree with that?
14	orders; is that right?	14	A. Certainly not a requirement.
15	A. It says here over the last year,	15	MR. CARTMELL: Okay. I'll object
16	only two were reported.	16	and move to strike.
17	Q. Right, and if you do the math,	17	BY MR. CARTMELL:
18	right, there's 120,000 in a year, right?	18	Q. I'm not asking if there's a DEA
19	MR. ANDRISANI: Objection.	19	requirement.
20	THE WITNESS: 120,000 orders?	20	I'm asking if you agree with the
21	BY MR. CARTMELL:	21	observation, so let me ask it again.
22	Q. Yeah, 10,000 a month, 12 months.	22	The observation and finding by
23	A. If that was consistent, I mean,	23	the auditor where he states, "Granting exclusive
24	if I don't know if that's an average. I	24	authority to a single person to release a
	12 1 deliteration in the state of the state		g F
	Page 347		Page 348
			1496 310
1	suspicious order constitutes a risk for	1	
1 2	suspicious order constitutes a risk for mistakes," do you agree with that?	1 2	and potentially diverted, correct? MR. ANDRISANI: Objection, form,
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	Page 349		Page 350
1	may be leading potentially to orders that are	1	the record, please.
2	suspicious and may be diverted down the road,	2	BY MR. CARTMELL:
3	are not being held and they're mistakenly being	3	Q. Do you agree with him let me
4	shipped to customers, correct?	4	see what the question was.
5	MR. ANDRISANI: Objection, lacks	5	MR. CARTMELL: Read it back,
6	foundation, form.	6	please.
7	THE WITNESS: He's saying that	7	(Whereupon, the court reporter
8	there's a potential risk that that could	8	read back the following:
9	happen.	9	Q. And do you agree with the
10	BY MR. CARTMELL:	10	finding of the auditor from Teva who did
11	Q. And do you agree with the finding	11	this analysis and assessment by
12	of the auditor from Teva who did this analysis	12	interviewing people and looking at your
13	and assessment by interviewing people and	13	systems process?)
14	looking at your systems process?	14	MR. ANDRISANI: And I object to
15	MR. ANDRISANI: Objection, form,	15	the form.
16	lacks foundation. Again, are you	16	THE WITNESS: I believe that we
17	referring to the risk he puts in	17	put in a second person review into the
18	observations or the potential risk for	18	process to alleviate the potential risk.
19	suspicious order monitoring program	19	BY MR. CARTMELL:
20	that's at F?	20	Q. So that was actually your
21	MR. CARTMELL: She can answer.	21	adoption of the finding, your agreement with the
22	MR. ANDRISANI: Confusing the	22	finding, that there could be potential mistakes
23	record.	23	and orders released that shouldn't have been,
24	THE WITNESS: Could you repeat	24	correct?
	Page 351		Page 352
1	MR. ANDRISANI: Objection.	1	order monitoring program?
2	THE WITNESS: That was our way to		
3	ž	2	A. That was the auditor's
	reduce the risk of error or mistakes.	3	assessment.
4	reduce the risk of error or mistakes. BY MR. CARTMELL:	3 4	assessment. Q. And I'm asking if you agree with
4 5	reduce the risk of error or mistakes. BY MR. CARTMELL: Q. Okay. And then it talks about	3 4 5	assessment. Q. And I'm asking if you agree with the assessment that that was the potential risk
4 5 6	reduce the risk of error or mistakes. BY MR. CARTMELL: Q. Okay. And then it talks about the category of risk, and the risk category here	3 4 5 6	assessment. Q. And I'm asking if you agree with the assessment that that was the potential risk to your company as a result of the program you
4 5 6 7	reduce the risk of error or mistakes. BY MR. CARTMELL: Q. Okay. And then it talks about the category of risk, and the risk category here is a moderate risk.	3 4 5 6 7	assessment. Q. And I'm asking if you agree with the assessment that that was the potential risk to your company as a result of the program you had in effect?
4 5 6 7 8	reduce the risk of error or mistakes. BY MR. CARTMELL: Q. Okay. And then it talks about the category of risk, and the risk category here is a moderate risk. Do you see that?	3 4 5 6 7 8	assessment. Q. And I'm asking if you agree with the assessment that that was the potential risk to your company as a result of the program you had in effect? MR. ANDRISANI: Objection, form.
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Page 353 Page 354 O. Ms. McGinn, this is a PowerPoint 1 1 audit that we just saw in 2015, it actually said 2 presentation that was produced by Teva from the 2 that within the last year, there had been two, 3 internal files, and I believe -- yeah, this was 3 but we know from prior documents that Teva 4 actually in your custodial file as well. 4 didn't even start making or identifying 5 Do you recognize this PowerPoint 5 suspicious orders until 2013. 6 6 presentation? Is that consistent with your 7 7 A. Yes. memory? 8 8 MR. ANDRISANI: Objection, form. O. And this PowerPoint presentation 9 it looks like was prepared and presented by 9 THE WITNESS: That's all I would 10 Joseph Tomkiewicz, who is DEA compliance manager 10 have knowledge of, based on the within the DEA compliance department, correct? 11 documents that we saw, yes. 11 12 12 BY MR. CARTMELL: Yes. 13 13 Okay. And I believe there was O. Mr. Tomkiewicz has testified in 14 one report of a suspicious order in 2013, 14 this case that he has been since 2014 and 15 correct? 15 continues to be the manager of the suspicious 16 A. I think so. 16 order monitoring program at Teva, correct? 17 And then so if we go before that 17 A. Yes. 18 to 2012, we know that there was not any orders 18 Q. Now, I want to start by looking 19 of suspici -- excuse me -- not any -- strike 19 at slide three. This document reflects the 20 20 number of suspicious orders from 2014 through 21 And then we know if we go back to 2017 that your company, Teva, had identified 21 22 2012, there was not any suspicious orders of 22 during those four years, correct? 23 opioids identified by Teva, correct? 23 Yes. 24 MR. ANDRISANI: Objection. 2.4 O. And we know from the internal Page 355 Page 356 THE WITNESS: Yes. 1 1 correct? 2 BY MR. CARTMELL: 2 MR. ANDRISANI: Objection. 3 Q. Okay. And, in fact, if 3 THE WITNESS: I have no way of 4 Mr. Hasler is right and Teva had been selling 4 telling that 10,000 was a one month look 5 and manufacturing opioids since 2006, they had 5 or if it's an average. It didn't say. 6 never found a single suspicious order from 2006 6 I don't know how many orders. 7 7 until 2013, those seven years, correct? BY MR. CARTMELL: 8 MR. ANDRISANI: Objection. 8 Q. Okay. Well, do you have any idea 9 THE WITNESS: Yes. 9 whether or not that's been a consistent number 10 BY MR. CARTMELL: 10 or whether that's gone up over time? 11 Q. So I want to talk about during 11 A. I don't. I don't review the 12 the period of time that you were at Teva from 12 orders. I don't see what comes through the 13 2012 to 2016, it looks like there was six 13 system. 14 suspicious orders of opioids or other controlled 14 Q. At any rate, we know from the 15 substances that was identified by Teva; is that documents in this case and from the testimony 15 16 that for those six years, until 2017, from 2012 correct? 16 17 17 to 2017, there were millions and millions, maybe A. From 2012, yes. From 2012 through '16, correct? 18 18 over 100 million opioid pills that Teva put into Q. 19 A. Yes, that's what it looks like 19 communities, and from those only six suspicious 20 20 here. orders were found by your company, correct? 21 Okay. And if we can believe the 21 MR. ANDRISANI: Objection, form, 22 audits reports that during that time there was 22 lacks foundation. 23 approximately 10,000 orders a month or 120,000 a 23 THE WITNESS: I don't know how 24 year, that would be 720,000 orders; is that 24 many tablets Teva produced during that

	Page 357		Page 358
1	time frame.	1	pills were included in each prescription.
2	BY MR. CARTMELL:	2	Q. Well, you know it's millions and
3	Q. Well, you remember we looked at	3	millions?
4	documents that showed that there was close to	4	A. It's millions.
5	70 million prescriptions during 2012 through	5	Q. You know it's much more than
6	'16, correct?	6	70 million, correct?
7	A. I'd have to go back to the	7	MR. ANDRISANI: Objection.
8	document, if you want to pull that out. I don't	8	THE WITNESS: Based on rough math
9	remember which one it was. It's not something	9	here, it's millions of scripts.
10	that my department produced.	10	BY MR. CARTMELL:
11	Q. Exhibit 8.	11	Q. And during those years, only six
12	A. Eight. I got it. Okay.	12	suspicious orders were found by Teva, correct?
13	Q. Close to 70 million prescriptions	13	MR. ANDRISANI: Objection, asked
14	during 2012 to 2016 at Teva for opioids,	14	and answered. She's told you that.
15	correct?	15	THE WITNESS: Yes.
16	A. Where does it say that?	16	BY MR. CARTMELL:
17	Q. If you add the columns 2012	17	Q. Now, if you go back a page, I
18	through 2016.	18	want to ask you a few questions about the first
19	You see that?	19	slide in Mr. Tomkiewicz's presentation.
20	A. Yes.	20	You're familiar with this slide,
21	Q. That's rough math. And, as we	21	I take it?
22	discussed, each of those prescriptions could	22	A. Yes.
23	include 30, 60, 90 or more pills, correct?	23	Q. And this shows that over time
24	A. I have no way of knowing how many	24	from 2000 to 2015, there has been a steady
			·
	Daga 250		
	Page 359		Page 360
1	increase of deaths by overdose from opioids.	1	Page 360 part of that program was not compliant and was
1 2		1 2	
	increase of deaths by overdose from opioids.		part of that program was not compliant and was
2	increase of deaths by overdose from opioids. Do you see that?	2	part of that program was not compliant and was at risk, correct?
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	Page 361		Page 362
1	MR. ANDRISANI: Objection, form.	1	THE WITNESS: I have no way of
2	THE WITNESS: We knew that there	2	knowing that.
3		3	BY MR. CARTMELL:
4	was some improvement to make. BY MR. CARTMELL:	4	Q. Do you think if your company from
5		5	2012 till now had a more robust and as you
6	Q. The words were noncompliant; is that correct?	6	called it a model suspicious order monitoring
7	A. That's what the report said.	7	program, there's a chance that there would have
8	Q. And we know that outside	8	been less diversion of the opioids from those
9	consultants you hired in your gap analysis	9	orders that came to Teva?
10	showed that there were lots of gaps in the	10	MR. ANDRISANI: Objection, form.
11	suspicious order monitoring program, and there	11	BY MR. CARTMELL:
12	were deficiencies by Mr. Buzzeo's consulting	12	Q. Or do you know?
13	company found in that program, correct?	13	MR. ANDRISANI: Objection, form,
14	A. There were findings written up in	14	lacks foundation.
15	the report that he called deficiencies.	15	THE WITNESS: I have no way of
16	Q. Do you think that if, in fact,	16	knowing that.
17	the suspicious order monitoring program at Teva	17	MR. CARTMELL: How long have we
18	had been fully compliant and had not had the	18	been going?
19	gaps that you identified in your analysis and	19	THE WITNESS: All day.
20	that the Buzzeo consultant identified in his	20	MR. ANDRISANI: We've been going
21	analysis that potentially there could have been	21	about an hour and a half since the last
22	less diverted opioids that were distributed or	22	break.
23	sold by Teva?	23	MR. CARTMELL: Let's take a
24	MR. ANDRISANI: Objection, form.	24	break.
	Matrix Diagram Cojection, Ionia		orean.
	Page 363		Dama 364
	1 agc 303		Page 364
1	THE VIDEOGRAPHER: Off the	1	
1 2		1 2	with or responsible for the suspicious order
	THE VIDEOGRAPHER: Off the record, 5:05.		with or responsible for the suspicious order monitoring program?
2	THE VIDEOGRAPHER: Off the	2	with or responsible for the suspicious order monitoring program?
2	THE VIDEOGRAPHER: Off the record, 5:05. (Brief recess.)	2	with or responsible for the suspicious order monitoring program? A. It would have been the promotion
2 3 4	THE VIDEOGRAPHER: Off the record, 5:05. (Brief recess.) THE VIDEOGRAPHER: We are back on	2 3 4	with or responsible for the suspicious order monitoring program? A. It would have been the promotion for associate director. I can't remember when
2 3 4 5	THE VIDEOGRAPHER: Off the record, 5:05. (Brief recess.) THE VIDEOGRAPHER: We are back on the record at 5:20.	2 3 4 5	with or responsible for the suspicious order monitoring program? A. It would have been the promotion for associate director. I can't remember when that was.
2 3 4 5 6	THE VIDEOGRAPHER: Off the record, 5:05. (Brief recess.) THE VIDEOGRAPHER: We are back on the record at 5:20. BY MR. CARTMELL:	2 3 4 5 6	with or responsible for the suspicious order monitoring program? A. It would have been the promotion for associate director. I can't remember when that was. Q. I think you were promoted to associate director, according to your LinkedIn
2 3 4 5 6 7	THE VIDEOGRAPHER: Off the record, 5:05. (Brief recess.) THE VIDEOGRAPHER: We are back on the record at 5:20. BY MR. CARTMELL: Q. Ms. McGinn, we're back on the	2 3 4 5 6 7	with or responsible for the suspicious order monitoring program? A. It would have been the promotion for associate director. I can't remember when that was. Q. I think you were promoted to
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Page 365 Page 366 1 Cephalon's suspicious order monitoring program, 1 with. Randy Bradway was in charge of the 2 2 did you have any idea what that program logistics and distribution department. He 3 consisted of at Cephalon from 2004 until 2010? 3 maintained a relationship with the customers. 4 A. It's my understanding that the 4 Q. So was Randy Bradway the 5 logistics and distribution department reviewed 5 individual responsible for suspicious order 6 incoming customer orders, and then those orders 6 monitoring of the opioids Cephalon was selling 7 were forwarded to a third party distributor, 7 between 2004 and 2010? 8 8 Cardinal Health, and they would have had an A. Randy Bradway was responsible for 9 9 electronic system, I don't know when their reporting anything that would have looked 10 system was put in, but it was reviewed on a 10 suspicious to me to report to DEA. 11 manual level at Cephalon and then also passed But only to you after 2010, 11 12 through Cardinal's system. 12 right? 13 Q. Okay. As we have discussed as a 13 A. Right. 14 14 part of your testimony related to Teva, to have Who was Randy Bradway responsible 15 a complete suspicious order monitoring program, 15 to report those potentially suspicious orders to 16 it's not just the computer program, you also 16 prior to 2010? 17 need to be having, for example, due diligence 17 I don't know. 18 and investigations of potentially suspicious 18 Do you know who was responsible 19 orders, correct? 19 for the suspicious order monitoring program 20 A. 20 prior to 2010? Yes. 21 Q. What did Cephalon do in that 21 A. I don't -- they didn't -- I'm 22 regard, do you know, and who did it? 22 going to assume that he would have come to me at 23 A. I don't know. We had a very 23 some point as the DEA person on site. He was in West Chester as well, that he would have come to 24 small number of customers that we were dealing 24 Page 367 Page 368 1 And you think you would have 1 me. 2 2 known if they had? During the eight and a half years 3 that you were at Cephalon, did Cephalon ever 3 I would think so. A. 4 identify a suspicious order for either Actiq or 4 As far as the time period with 5 5 Fentora? Actiq from 2001 to 2004, do you think you would 6 A. 6 have known if there had been a suspicious order No. 7 7 identified and reported to the DEA during that Is it your understanding that 8 Cephalon never when selling Actiq starting in 8 period of time? 9 2001 and Fentora starting in 2006 ever reported 9 A. I don't know. 10 to the DEA a suspicious order for those drugs? 10 Q. Okay. Is it true that at 11 2001 to 2006? 11 Cephalon there was never a formal written 12 Q. Let me -- that was a confusing 12 standard operating procedure related to 13 question. 13 suspicious order monitoring? I'm trying to figure out if A. I recall a section of a SOP where 14 14 15 Cephalon ever, from the time it started actually 15 we added a line about reporting suspicious 16 manufacturing and selling opioids, and we've 16 orders. I don't remember exactly what it said, 17 talked that those two opioids that it did sell 17 but it was added to a logistics and distribution 18 and manufacture were Actiq and Fentora, correct? 18 procedure. 19 A. 19 Q. There was an order monitoring 20 Did Cephalon ever identify and 20 policy put in effect in 2009. Q. 21 report a suspicious order for either of those 21 Do you think that's what you're opioids? 22 22 referring to? 23 A. In the time period I was there 23 Probably. A. 24 from 2004 forward, I am not aware of any. 24 Q. Let's take a look real quick. It

Page 369 Page 370 1 is document 1295. Hand you what's been marked 1 were working on SOP, but was it ever finalized? 2 as Exhibit 24 -- I'm sorry -- 23. 2 If not, we need to get that done before the 3 3 audit. If there's anything I can do to help, (Document marked for 4 identification as McGinn Deposition 4 let me know." 5 Exhibit No. 23.) 5 And up above Kevin responds, 6 BY MR. CARTMELL: 6 "Colleen, this was approved on June 1st." 7 Q. It's just a one-page e-mail that 7 Do you see that? 8 was produced from Teva's files related to the 8 Yes. A. 9 time period 2009 when you were still an employee 9 So is this -- does this refresh 10 10 of Cephalon, correct? your recollection, in other words, that the 11 suspicious order monitoring formal written A. Yes. 11 12 12 standard operating procedure was put in effect And if you look at the bottom 13 e-mail from you to Kevin Friel, who is that? 13 in August of 2009? A. I don't remember what department 14 14 A. The written procedure, yes. 15 Kevin worked in. He must have been in 15 Q. Okay. Were there any 16 logistics. responsibilities that Cephalon had for 16 17 Okay. This is an e-mail from 17 suspicious order monitoring related to the risk map for Actiq or Fentora; do you know? 18 August 19th from you to Kevin. The subject is 18 19 Suspicious Order Monitoring. 19 MR. ANDRISANI: Objection, vague. 20 20 THE WITNESS: I'm sorry. Can you "Kevin, I have some people coming 21 in sometime over the 4th quarter to do an 21 repeat that. 22 internal DEA audit. One of the things they 22 BY MR. CARTMELL: 23 mentioned they wanted to review was our 23 Q. Were there any responsibilities 24 suspicious order monitoring program. I know we 24 that Cephalon had for suspicious order Page 371 Page 372 the questions I have. Thank you. 1 1 monitoring related to the risk map for Actiq or 2 2 THE VIDEOGRAPHER: Going off the Fentora? 3 3 record, 5:31. MR. ANDRISANI: Objection. 4 THE WITNESS: To the risk map? 4 (Pause.) 5 THE VIDEOGRAPHER: We are back on 5 BY MR. CARTMELL: 6 6 Do you know what the risk map the record at 5:33. 7 7 BY MR. CRAWFORD: was? 8 A. I know that there is a risk map. 8 O. Good afternoon, I think we're 9 I just don't know which one you're referring to. 9 still there. 10 10 Good evening. O. Which risk map? 11 Yes, quality did a risk map. I 11 Yeah, good evening maybe. Mark know that I had a risk map that I contributed to Crawford for the plaintiffs as well, the MDL 12 12 plaintiffs. I just have a few topics, not 13 for quality. 13 Q. But it wasn't related to --14 nearly as long as Mr. Cartmell. I did want to 14 At Cephalon. 15 follow up with your discussion of Cardinal 15 A. It wasn't related to suspicious 16 Health with regard to the Cephalon program. 16 Q. 17 17 Was Cardinal Health one of order monitoring? It was DEA compliance in general, 18 18 Cephalon's customers for its Actiq and Fentora 19 and I don't know if it included suspicious order 19 products? 20 20 monitoring. A. Their distribution, yes, they 21 MR. CARTMELL: Okay. I think 21 would have been a customer. 22 Q. And did -- and they were a 22 that's all the questions I have. Thank 23 you very much for your time. Actually, 23 distributor of Actiq and Fentora, correct? 24 my partner over here -- okay, that's all 24 A. Yes.

Page 373 Page 374 1 And did Cephalon have any other 1 A. It went through Cephalon first, 2 customers that it shipped Actiq and Fentora to? 2 the manual system, and then to Cardinal system 3 Yes. 3 as a secondary. A. 4 O. And were they any of the other 4 Q. Okay. And then if it cleared the 5 big three, McKesson or AmerisourceBergen? 5 Cardinal system, was it then shipped to 6 A. I'm sure it was. 6 McKesson? 7 Q. So you did mention that there was 7 If they ordered it, yes. 8 a secondary review conducted by Cardinal Health 8 Okay. So regardless of who you 9 of suspicious orders, right? 9 sold the product to, you always had Cardinal A. Yes. 10 Health run their analytics on it, correct? 10 11 And so what happened when, say, A. That's my understanding. 11 12 McKesson ordered Actiq or Fentora product; would 12 Q. And so the analytics when 13 you run those orders through Cardinal Health's 13 Cardinal was the customer, it would have to run suspicious order program first? 14 14 the analytics of its own customers through its 15 A. The first review is done on site 15 program, right? 16 by the logistics and distribution team. They 16 A. Yeah, I just want to be clear 17 reviewed everything that came in manually and 17 that Cardinal had a lot of different types of then forwarded any orders to the Cardinal 18 18 business that I assume were separated. When we 19 distribution center. 19 used a third party logistics, it may have been 20 Q. So if McKesson ordered product 20 separate from the actual distributor that 21 from Cephalon, it would first go -- the order 21 distributed to customers. I don't know if it 22 would go to Cardinal Health first to run through 22 was the same way. It was a contracted 23 their analytics and then -- for suspicious 23 warehouse, and I don't know if they shipped 24 orders and then it would be shipped to McKesson? 24 their own products out of there or if it was Page 375 Page 376 1 just strictly contracted services. I don't know 1 And what years was that? Was it 2 2 prior to joining Cephalon? what other business ran through that building. 3 3 2002 to 2004 I worked for Q. So it may have been a Cardinal A. 4 affiliate then or something? 4 Cardinal Health. 5 A. It was a Cardinal company. It 5 Was your relationship with 6 Cardinal Health as far as the suspicious order was called Cardinal Health, but Cardinal had 6 7 different business segments. Like, I worked for 7 monitoring related at all to your employment 8 Cardinal Health in Somerset, New Jersey, and all 8 there? In other words, did you make any kind of 9 they did was contract work from other companies. 9 decision to have them conduct the review? 10 So we manufactured clinical trial material, it 10 A. Could you rephrase that. I'm 11 wasn't our product, somebody asked us to make it 11 sorry. 12 for them. And then you had the Cardinal Health 12 Q. Yeah. So you had a prior 13 that was the major distributor of drugs, and 13 relationship with Cardinal being that you were employed there. I'm wondering if there was any 14 that was a complete separate facility. 14 15 So Cardinal had different relationship between them having to do this kind 15 16 of additional review and your employment there, business segments that did different things. 16 17 Now I don't know if Cardinal that distributed 17 did you send the business to Cardinal, or was it 18 our product is the same as the big Cardinal 18 already in place? 19 distributor that would distribute Actiq and 19 A. No, it was already being done 20 Fentora to customers. I don't know if it was a 20 when I started with Cephalon. 21 contract facility is what I'm saying. 21 Q. That's exactly what I was asking. 22 Q. And did you at one point work for 22 A. Okay. 23 Cardinal Health? 23 Thank you. Q. 24 A. I worked for Cardinal, yes. 24 So you're aware that Cardinal

	Page 377		Page 378
1	Health had paid a fine of \$34 million related to	1	way or the DEA with regard to its suspicious
2	its suspicious order monitoring in 2008,	2	order monitoring program?
3	correct?	3	A. I don't recall.
4	A. I know that they paid a fine.	4	Q. All right. So I'm going to
5	Q. And how about in 2017, they paid	5	how many customers when you were at Cephalon,
6	another fine as well, correct?	6	let's start with the 2010 period when we had the
7	A. Yes.	7	org chart, how many customers did Cephalon have
8	Q. And that was \$44 million, is that	8	at that time?
9	about right?	9	A. I don't know exactly how many
10	A. I don't know how much it was.	10	customers they had.
11	Q. And that was as a result of a	11	Q. How about generally?
12	settlement they had reached with the federal	12	A. When you say "customers," are you
13	government in 2012 with regard to its suspicious	13	talking shipped to locations, you know, just
14	order monitoring program, correct?	14	ABC, Cardinal as one, no matter how many ship
15	MS. ROLLINS: Objection, form.	15	tos? I don't know.
16	MR. ANDRISANI: Objection.	16	Q. That's a good question. The
17	THE WITNESS: I don't know what	17	customers, ones that actually bought the product
18	the terms of the settlement were. I	18	and paid for it, how many would you say, kind of
19	mean, I know vaguely that they were	19	an approximate amount?
20	fined and that there was a problem.	20	A. The number that sticks in my
21	BY MR. CRAWFORD:	21	head, from a conversation I had with Randy
22	Q. Were you aware at the time that	22	Bradway was that we had somewhere around 20 to
23	you were at Cephalon that they were being	23	25 customers.
24	investigated by the federal government in any	24	Q. And were they they were the
	Page 379		Page 380
			1430 000
1	big three national wholesale distributors,	1	Q. Bradway, and give me his if
1 2	right?	1 2	
	-		Q. Bradway, and give me his if
2	right?	2	Q. Bradway, and give me his if you could please reference what was his position
2	right? A. They would have been included.	2	Q. Bradway, and give me his if you could please reference what was his position again at Cephalon?
2 3 4	right? A. They would have been included. Q. And did it also include retail	2 3 4	Q. Bradway, and give me his if you could please reference what was his position again at Cephalon? A. He was in charge of logistics and
2 3 4 5	right? A. They would have been included. Q. And did it also include retail pharmacy chains, your customers?	2 3 4 5	Q. Bradway, and give me his if you could please reference what was his position again at Cephalon? A. He was in charge of logistics and distribution. I don't recall his exact title.
2 3 4 5 6	right? A. They would have been included. Q. And did it also include retail pharmacy chains, your customers? A. It was my understanding at the	2 3 4 5 6	Q. Bradway, and give me his if you could please reference what was his position again at Cephalon? A. He was in charge of logistics and distribution. I don't recall his exact title. Q. And he didn't report to you, did
2 3 4 5 6 7	right? A. They would have been included. Q. And did it also include retail pharmacy chains, your customers? A. It was my understanding at the time that we did not ship directly to pharmacies, only to distributors. Q. Of the other customers besides	2 3 4 5 6 7	Q. Bradway, and give me his if you could please reference what was his position again at Cephalon? A. He was in charge of logistics and distribution. I don't recall his exact title. Q. And he didn't report to you, did he? A. No. Q. All right. Under the Cephalon
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	Page 381		Page 382
1	Q. And the manual process so you	1	Q. But you don't know as being in
2	had 25 customers, about how many orders would	2	charge of it what the process was to manually
3	come in a month?	3	review those orders?
4	A. I don't know.	4	MR. ANDRISANI: Objection, asked
5	Q. And what was the manual process	5	and answered.
6	you had in place at Cephalon for reviewing the	6	THE WITNESS: I do not recall.
7	orders for suspicious order activity?	7	BY MR. CRAWFORD:
8	A. I do not recall exactly what they	8	Q. Did Cephalon have a process
9	did to review those orders.	9	whereby they had pended orders that weren't
10	Q. But it was a manual process,	10	deemed suspicious, but they were just pended or
11	right?	11	separated out for further investigation?
12	A. Yes.	12	A. I don't know.
13	Q. And you were at that time in	13	Q. Was there any documentation at
14	charge of the suspicious order monitoring in	14	the time that you're aware of in 2010 when you
15	2010 at Cephalon, right?	15	were in charge of this program of orders that
16	A. Yes.	16	were that were reviewed or pended?
17	MR. ANDRISANI: Objection, asked	17	MR. ANDRISANI: Objection, asked
18	come on, it's 6:00.	18	and answered.
19	MR. CRAWFORD: I know, but you	19	THE WITNESS: I'm sorry. Could
20	didn't know I know, we've got time,	20	you repeat the question.
21	though.	21	BY MR. CRAWFORD:
22	MR. ANDRISANI: We've done it all	22	Q. Yeah, I'm just trying to find
23	day.	23	because, looking back, if we were going to ask
24	BY MR. CRAWFORD:	24	for documentation of the review or the orders
	Page 383		Daga 294
	1430 303		Page 384
1	that were pended or anything, you know, how was	1	in that at all, correct, in your department?
1 2	that were pended or anything, you know, how was that documented at Cephalon, this manual review?	1 2	in that at all, correct, in your department? A. I would only get involved if they
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	Page 385		Page 386
1	Q. This is Exhibit 24. So what	1	acquisition. He came with Actavis.
2	we've marked here, again, starting at the first	2	Q. Okay. But, originally, before
3	e-mail is an October 16, 2017 e-mail from you to	3	joining Actavis, he was with Purdue?
4	Jeffrey Zerillo. The subject is 60 Minutes.	4	A. I believe so.
5	Who is Jeffrey Zerillo at the	5	Q. Okay. And you write here
6	time? Was he with your company?	6	regarding 60 Minutes do you recall watching a
7	A. Yes, he was my supervisor.	7	60 Minutes segment on opioids?
8	Q. And what was his position?	8	A. I do.
9	A. He's vice president, supply chain	9	Q. Okay. And can you briefly
10	management - America's region.	10	describe for me what the segment was that you
11	Q. Is he your immediate person above	11	saw on 60 Minutes?
12	you?	12	A. It was if I remember
13	A. He was my immediate supervisor.	13	correctly, it was a interview with Joe
14	Q. And is he there right now with	14	Rannizzisi talking about suspicious orders or
15	Teva?	15	the opioid epidemic in general.
16	A. No.	16	Q. And we heard about Mr. Rannizzisi
17	Q. And has he left the company?	17	earlier. He had written those letters back in
18	A. Yes.	18	2006 and '07, correct?
19	Q. Okay. And do you know when he	19	A. Yes.
20	left?	20	Q. And you had those letters back
21	A. Recently, I would say it was	21	around that time frame, right?
22	around the April 2018 time period.	22	A. Yes.
23	Q. And he came from Purdue, correct?	23	Q. And you write here to
24	A. He was part of the Actavis	24	Mr. Zerillo, "Did you see this last night? My
	Page 387		Page 388
1	first thought was that Joe Rannizzisi has lost	1	Q. And you say he has lost his mind.
2			Q. This you say he has lost his hims.
_	his mind and the second was that it was a very	2	What does that mean he has lost his mind?
3	his mind and the second was that it was a very one-sided story."	2 3	
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	Page 389		Page 390
1	Q. But he works for the DEA. Why	1	MR. CRAWFORD: Thank you.
2	would he work	2	BY MR. CRAWFORD:
3	A. He wasn't	3	Q. You testified earlier a little
4	Q for a pharmaceutical company?	4	bit about industry groups including ADIWG, is
5	A. He wasn't working for DEA at the	5	that a group that at one point Teva belonged to?
6	time of this interview.	6	A. It was a group that Actavis
7	Q. Is it your experience that a lot	7	belonged to, and Tom was informing me and making
8	of people who leave the DEA go work in the	8	an introduction about the group, and I attended
9	industry?	9	a couple of phone calls with that group.
10	MR. ANDRISANI: Objection.	10	Q. And did Teva ever join that
11	THE WITNESS: Some do.	11	group?
12	MR. CRAWFORD: Next we'll go to	12	A. I don't know if there was any
13	Exhibit 25.	13	joining. We attended some of the discussions
14	(Document marked for	14	that they had.
15	identification as McGinn Deposition	15	Q. And what was the purpose of the
16	Exhibit No. 25.)	16	group?
17	MS. ROLLINS: Counsel, I think	17	A. I don't recall. I mean, it was a
18	your exhibit numbers i think there	18	working group to discuss DEA issues.
19	might have been two 23s and two 24s?	19	Q. And let's go again to the bottom
20	MR. CRAWFORD: I think we're	20	of the e-mail. It's from Tom Napoli to you
21	sequential, okay. Yeah, they're great.	21	dated February 8th, 2016. Subject is
22	Thank you, though.	22	Anti-Diversity Industry Working Group. That's
23	MS. HUDNALL: 21 and 22 were out	23	the ADIWG, correct?
24	of order.	24	A. It's anti-diversion, not
			71. It's dist diversion, not
	Dama 201		
	Page 391		Page 392
1	diversity, industry group. I don't want you to	1	Page 392 major pharma companies/distributors that play a
1 2		1 2	
	diversity, industry group. I don't want you to think that I'm against diversity.		major pharma companies/distributors that play a significant role in the manufacture and
2	diversity, industry group. I don't want you to think that I'm against diversity.	2	major pharma companies/distributors that play a
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Page 393 Page 394 1 Mallinckrodt, Qualitest, Cardinal, McKesson, ABC 1 transitioning over -- next page -- soon. There 2 2 has not been a date established for the call as and, of course, Allergan/Actavis. Those are all 3 manufacturers and distributors, the major 3 of yet, but if you would like I can have Don add 4 distributors of opioid products, correct? 4 you to the distribution. 5 MR. ANDRISANI: Objection, form, 5 So do you recall getting this 6 lacks foundation. 6 e-mail and being invited to join this call? 7 THE WITNESS: They're 7 8 manufacturers and distributors of 8 And he also asks, "Jeff told O. 9 9 controlled substances, yes. me" -- this is the last paragraph -- "that the BY MR. CRAWFORD: intent was not to initially integrate the legacy 10 10 11 Right. But also opioid products, Actavis SAP and Teva Oracle systems, but run 11 12 12 side by side. I was wondering if it made sense correct? 13 Opioids would be included. 13 and would be feasible to carve out the CS SKUs A. 14 14 And Mallinckrodt, Qualitest and from the Actavis platform and migrate to the Q. 15 Allergan/Actavis are the manufacturer members of 15 Teva system as a means to have these products 16 this group, right? 16 flow through your automated SOM program on day 17 A. Yes. 17 1. Just a thought." 18 And McKesson, Cardinal and ABC, 18 So he's talking about the Q. 19 they're the big three distributors, right? 19 upcoming anticipated integration of the two SOM 20 Yes. 20 programs of Actavis and Teva, right? 21 Q. All right. So down at the bottom 21 A. Yes. 22 he writes, when Don reached out, I advised him 22 And were those two systems Q. eventually integrated? 23 that in addition to myself, it may be a good 23 24 idea to have you on the call as we are 24 The Actavis orders were Page 395 Page 396 eventually migrated into Teva system. 1 So it's DefOps, which is the 1 2 2 internally derived system, draws from the Oracle Q. And currently Teva uses its 3 3 system that the orders have come in? system that was put in place by Mr. Tomkiewicz 4 to monitor the orders of the combined company's 4 A. I don't -- I can't say for sure 5 activities, right? 5 if it comes from the Oracle system, the BI 6 A. 6 system or there's a WM system that the 7 7 O. Was there anything adopted from distributor runs off of. 8 the Actavis system into the procedures for the 8 Q. So what was Actavis' system when 9 Teva system? 9 they joined? Did they -- I mean, how did they 10 I don't know. I don't recall 10 monitor suspicious orders? Are you aware of 11 anything. Joe would have been responsible for 11 their system? 12 12 A. I don't know specifics. Joe 13 And, currently, the Actavis --13 would have handled the review of their SOM 14 tell me what the Teva Oracle system is. What 14 procedures and specifics. does it do? Q. Is there anyone from the Actavis 15 15 16 suspicious order monitoring -- the department or A. It's a ERKDS(ph.) system, it's an 16 17 enterprise system to manage inventory, among 17 whatever department did it, that now currently 18 other things. 18 works at Teva? 19 Q. And does that system help in 19 A. No. 20 monitoring suspicious orders in any way or 20 And who was the -- who was in --21 contain data about that? 21 who was your -- was there kind of a counterpart 22 22 to you with Actavis when they joined? A. No, it does not help -- I mean, 23 it feeds into DefOps, but it's really just an 23 A. Tom Napoli would have been the 24 inventory management system. 24 counterpart, my contact during the integration.

	Page 397		Page 398
1	Q. And what was how about	1	up above, "Thanks Colleen. I will forward your
2	Mr. Zerillo, was he did he report to Tom	2	info on to Don. We have seen part of the
3	Napoli?	3	working group for a couple we have been part
4	A. Tom reported to Jeff Zerillo.	4	of the working group for a couple of years and
5	Q. Okay, all right. All right. So	5	under the previous DEA leadership, it was very
6	let's go back to the e-mail chain. You respond	6	challenging for us to engage in any meaningful
7	on February 8th, 2016, Hi Tom, I'm definitely	7	dialogue with them. Now that there has been a
8	"I'd definitely be interested in hearing about	8	leadership turnover, we may have reasonable
9	this working group Don is putting together."	9	may have reason to be a little more optimistic.
10	And then you say, I sat in on a	10	One of our major accomplishments as a group was
11	multi-disciplinary discussion the order to cash	11	to collaborate on the production of a pharmacy
12	system.	12	"Red Flags" video which was provided free of
13	What is the order to cash system?	13	charge to state boards of pharmacies.
14	A. It's the whole it's the	14	So he's optimistic here about a
15	segment of the ERP system that was included,	15	DEA leadership change.
16	everything from taking an order from a customer	16	Were you optimistic as well?
17	to invoicing.	17	A. I don't know what leadership he's
18	Q. So there's no real cash	18	talking about, if he's talking about Jeff or
19	exchanged, it's just simply an electronic	19	coming under Teva. I'm not sure what he was
20	financial transaction?	20	referring to here.
21	A. I would assume so. It's just	21	Q. Was there a change in at the
22	what they call a business segment of the Oracle	22	DEA in leadership at the time?
23	system is order to cash.	23	A. Oh, yes, yes.
24	Q. Thank you. And then he responds	24	Q. And were you optimistic about
	Page 399		D 400
	5		Page 400
1	that change as well?	1	and if they find a violation of DEA regulations
1 2	that change as well? A. I was hoping that there would be	1 2	and if they find a violation of DEA regulations to punish the company, correct?
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	Page 401		Page 402
1	that I don't think that the DEA can	1	Q. Right. But Rannizzisi when he
2	solve the opioid crisis alone without	2	came in or when he was at the DEA in 2006 and
3	help from industry, from doctors and	3	2007 wrote those letters indicating that the
4	*	4	-
5	from every piece of the supply chain. I think that they need to have help.	5	industry he needed help from the industry, the DEA did, correct?
6	BY MR. CRAWFORD:	6	MR. ANDRISANI: Objection, asked
7	Q. Did they need help back before	7	and answered.
8	there was an epidemic to ensure that there	8	THE WITNESS: I'd have to go back
9	wouldn't be an epidemic? Did they need help	9	and look, but I'll take your word for
10	from industry?	10	it.
11	•	11	MR. CRAWFORD: Okay. Go to the
12	MR. ANDRISANI: Objection, form. THE WITNESS: DEA had conducted	12	next exhibit, 26.
13		13	(Document marked for
14	several industry group meetings to partner with industry to figure out best	14	identification as McGinn Deposition
			_
15	practices. For example, the CCOs	15	Exhibit No. 26.) BY MR. CRAWFORD:
16	program was built with the help of	16 17	
17	pharmaceutical industry. BY MR. CARTMELL:		Q. Now, we marked Exhibit 26 here,
18		18 19	and I'll just briefly characterize it. It is an
19 20	Q. And what when was that done?	20	e-mail chain starting from an e-mail from Mr. Donald Lohman,
	A. I don't remember what year it	21	*
21	Was.		Donald.Lohman@mallinckrodt.com to a number of
22	Q. Was it recently?	22	people, including you, correct?
23	A. No, it was years ago, 10 plus	23	A. Yes.
24	years ago before Rannizzisi.	24	Q. And it's dated February 11th,
	Page 403		Dana 404
	rage 103		Page 404
1		1	
1 2	2016, right? A. Yes.	1 2	Page 404 Pharmaceuticals has recently joined the ADIWG. Do you see that?
	2016, right?		Pharmaceuticals has recently joined the ADIWG.
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2	2016, right? A. Yes. Q. And he's attached a draft letter,	2	Pharmaceuticals has recently joined the ADIWG. Do you see that? A. I do.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. And he's attached a draft letter, please provide comments to Bob and me by close of business 2016. Thanks. Do you see that? A. Yes. Q. So he is forwarding you this is in follow-up to the earlier e-mail that we just looked at in Exhibit 25, right? A. Yes. Q. And he's forwarding to you a copy of a draft letter for potential comment if you wanted, correct? A. Yes. Q. And do you recall receiving this e-mail? A. I recall communication, yes. I don't know if I recall this specific one. I'd have to look at it. Q. All right. And if you look at the draft, it's in red line format. The next	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Pharmaceuticals has recently joined the ADIWG. Do you see that? A. I do. Q. So Teva has joined, in fact, the ADIWG, correct? A. We had joint meetings with the ADIWG at that point. Q. But did you join the ADIWG, as it's reflected here? MR. ANDRISANI: Objection. THE WITNESS: I don't know exactly what join means. There's no fee that we paid to join. We just started calling in to their meetings. BY MR. CRAWFORD: Q. All right. And your and the next page at the last line you were added as a CC, correct? A. Yes. Q. Okay. And it lists you as director, DEA compliance, Teva Pharmaceuticals, correct?

	Page 405		Page 406
1	to make revisions.	1	Q. And this apparently is the
2	Do you know if you revised any of	2	attached final letter that was written, right?
3	these additions about Teva and yourself on	3	A. Apparently.
4	there?	4	Q. Okay. And the letter is dated
5	A. I don't recall.	5	February 18th, 2016, correct? This is the next
6	MR. CRAWFORD: Let's go to the	6	page.
7	next Exhibit, 27.	7	A. Yeah, I'm going to assume the
8	(Document marked for	8	date on the second page is wrong at the top of
9	identification as McGinn Deposition	9	the page. It says 2015 after that but
10	Exhibit No. 27.)	10	Q. Where does it say 2015?
11	BY MR. CRAWFORD:	11	A. At the top of the second and
12	Q. And what I marked here as Exhibit	12	third page says February 18th, 2015. I have to
13	27 is a February 18th, 2016 e-mail. It's from	13	assume it was 2016 and that that was a typo.
14	Robert Giacalone to I see your name here,	14	Q. Yes, it looks like that was a
15	Colleen McGinn, down there.	15	typo, okay.
16	Do you see that?	16	But at the top of the second
17	MR. ANDRISANI: It's also to	17	page, it says February 18th, 2016, right?
18	another group of people too.	18	A. Yes.
19	MR. CRAWFORD: Correct, yep,	19	Q. All right. So it's written to
20	thank you.	20	Mr. Louis J. Milione, deputy assistant
21	BY MR. CRAWFORD:	21	administrator, Office of Diversion Control with
22	Q. So it's to a group of people,	22	the U.S. Drug Enforcement Administration.
23	including yourself, correct?	23	Do you see that?
24	A. Yes.	24	A. Yes.
	D 107		
	Page 407		Page 408
1	Q. So this is Cardinal Health, were	1	Page 408 sure how to pronounce it myself.
1 2		1 2	
	Q. So this is Cardinal Health, were		sure how to pronounce it myself.
2	Q. So this is Cardinal Health, were they kind of taking the lead on communicating	2	sure how to pronounce it myself. Q. All right, okay. Fair enough
2	Q. So this is Cardinal Health, were they kind of taking the lead on communicating the ADIWG's views here?	2	sure how to pronounce it myself. Q. All right, okay. Fair enough there.
2 3 4	Q. So this is Cardinal Health, were they kind of taking the lead on communicating the ADIWG's views here? A. It looks like it.	2 3 4	sure how to pronounce it myself. Q. All right, okay. Fair enough there. Now, Cardinal Health at the
2 3 4 5	 Q. So this is Cardinal Health, were they kind of taking the lead on communicating the ADIWG's views here? A. It looks like it. Q. Okay. So Cardinal Cardinal is 	2 3 4 5	sure how to pronounce it myself. Q. All right, okay. Fair enough there. Now, Cardinal Health at the time you're aware that in 2017, Cardinal
2 3 4 5 6	Q. So this is Cardinal Health, were they kind of taking the lead on communicating the ADIWG's views here? A. It looks like it. Q. Okay. So Cardinal Cardinal is writing here, the first paragraph it says, "I am	2 3 4 5 6	sure how to pronounce it myself. Q. All right, okay. Fair enough there. Now, Cardinal Health at the time you're aware that in 2017, Cardinal Health had actually paid a fine for with
2 3 4 5 6 7	Q. So this is Cardinal Health, were they kind of taking the lead on communicating the ADIWG's views here? A. It looks like it. Q. Okay. So Cardinal Cardinal is writing here, the first paragraph it says, "I am writing to you on behalf of the Anti-Diversion Industry Working Group (ADIWG). The ADIWG is a group of leading pharmaceutical manufacturers	2 3 4 5 6 7	sure how to pronounce it myself. Q. All right, okay. Fair enough there. Now, Cardinal Health at the time you're aware that in 2017, Cardinal Health had actually paid a fine for with regard to its suspicious order monitoring
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	Page 409		Page 410
1	THE WITNESS: I don't know.	1	group at the time.
2	BY MR. CRAWFORD:	2	Q. Okay. But did Mr. Milione's
3	Q. All right. So Mr. Giacalone of	3	views, were they the same views and philosophy
4	Cardinal Health writes in the second paragraph,	4	that Teva had?
5	"First, congratulations to you on your	5	MR. ANDRISANI: Objection, form,
6	appointment as the new Deputy Assistant	6	lacks foundation.
7	Administrator for the DEA's Office of Diversion	7	THE WITNESS: I'm not familiar
8	Control."	8	with the testimony that they're
9	Do you see that?	9	referring to.
10	A. Yes.	10	BY MR. CRAWFORD:
11	Q. Okay. And then he says, "Second,	11	Q. But you got a draft of this
12	we believe that many of the statements you	12	letter and you and Teva was added to the
13	provided in your January 27, 2016 testimony	13	letter before it went out, right?
14	before the Judiciary Committee (and elsewhere)	14	MR. ANDRISANI: Objection, asked
15	reflect the same views and philosophy of ADIWG."	15	and answered. You've established that.
16	Do you see that?	16	THE WITNESS: Teva was added to
17	A. Yes.	17	the letter.
18	Q. So do you believe at the time,	18	BY MR. CRAWFORD:
19	you personally believe at the time that	19	Q. And you had gotten a draft
20	Mr. Milione had the same views and philosophy as	20	beforehand, right?
21	this group?	21	MR. ANDRISANI: Objection, asked
22	A. I had only been aware of this	22	and answered.
23	-		THE WITNESS: I received a draft
24	group for ten days before this letter went out. I can't say that I know all the views of the	23	beforehand.
24	realit say that I know an the views of the	24	beforenand.
	Page 411		Page 412
1	BY MR. CRAWFORD:	1	identification as McGinn Deposition
2	Q. Okay. And then look at the end	2	Exhibit No. 28.)
_	•	1	
3	of the second page, he writes, "However, we	3	BY MR. CRAWFORD:
3 4	of the second page, he writes, "However, we truly believe that working together with DEA to	3 4	BY MR. CRAWFORD: O. Now, we're moving forward here to
	truly believe that working together with DEA to		Q. Now, we're moving forward here to
4	truly believe that working together with DEA to help fight these problems can make a	4	Q. Now, we're moving forward here to May 26, 2016, and this is Mr. Napoli writing to
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4 5 6 7	truly believe that working together with DEA to help fight these problems can make a significant, positive impact. To that end, we	4 5 6 7 8	Q. Now, we're moving forward here to May 26, 2016, and this is Mr. Napoli writing to you about yesterday's call. At this point Mr. Napoli, he's at Actavis, but Actavis is at this point I guess
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	Page 413		Page 414
1	A. I would assume that it was.	1	A. Yes.
2	Q. All right. And but you don't	2	Q. And you say you have no problem
3	recall the specifics of the call?	3	backing out, meaning withdrawing Teva from the
4	MR. ANDRISANI: Objection, asked	4	membership, right?
5	and answered.	5	A. Yes.
6	THE WITNESS: No, I don't.	6	Q. So so what was he crazy about?
7	BY MR. CRAWFORD:	7	A. What I remember is that nobody on
8	Q. You write back here "That Bob guy	8	this group could agree to the content of the
9	was a little out of control yesterday with his	9	meeting with Lou Milione. They there was a
10	'I'll pick up the damn phone and cancel the	10	lot of disagreement between the members of this
11	meeting' comment. I have a feeling that this is	11	group about what they wanted this meeting's
12	going to get a little crazy but we'll see. I	12	purpose to be, and everybody had a different
13	have no problem backing out if necessary."	13	idea, and nobody could agree on the content.
14	So what who is Bob from ABC?	14	Q. So Mr. Milione at this point had
15	A. I don't remember his last name.	15	agreed to meet with the group, right?
16		16	A. I think that he had agreed to
17		17	meet with the group.
	to?	18	
18	A. Who was referring to?		Q. And was this was there any
19	Q. The Bob guy and I'll pick up the	19	prior meeting at all, or was this his first
20	damn phone and cancel the meeting.	20	meeting, if you recall, with the group?
21	A. I don't remember, to be honest	21	A. To my knowledge, there was no
22	with you. I remember some of these calls being	22	previous meeting with the group. They had
23	very unorganized.	23	requested a meeting and he had accepted.
24	Q. And these are the ADIWG calls?	24	Q. All right. So this meeting was
	Page 415		Page 416
1	coming up. Do you know did that meeting	1	
_		1 I	you have an inkling of it or might have some
2.		1 2	you have an inkling of it or might have some knowledge.
2	actually occur?	2	knowledge.
3	actually occur? A. No.	2 3	knowledge. MR. ANDRISANI: Objection, form.
3 4	actually occur? A. No. Q. And did anyone cancel the	2 3 4	knowledge. MR. ANDRISANI: Objection, form. THE WITNESS: I don't know.
3 4 5	actually occur? A. No. Q. And did anyone cancel the meeting? Who canceled the meeting?	2 3 4 5	knowledge. MR. ANDRISANI: Objection, form. THE WITNESS: I don't know. You'd have to ask Tom.
3 4 5 6	actually occur? A. No. Q. And did anyone cancel the meeting? Who canceled the meeting? A. The meeting was canceled, but I	2 3 4 5 6	knowledge. MR. ANDRISANI: Objection, form. THE WITNESS: I don't know. You'd have to ask Tom. BY MR. CRAWFORD:
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	Page 417		Page 418
1	Q. So you write, moving on, you	1	Is that correct?
2	said, "It's not consistent with a group	2	A. Yes.
3	mentality."	3	Q. And that was what you were
4	Was it your feeling that the	4	referring to is that there was discussion about
5	group should be unified in their approach to	5	having two different approaches for each, right?
6	this meeting?	6	A. Each group thought that they
7	A. I thought that we should take a	7	needed something different and couldn't agree.
8	consistent approach.	8	Q. And you thought that they should
9	Q. And you write, "I'm skeptical	9	have a consistent, unified position?
10	that we can get this together in two months."	10	MR. ANDRISANI: Objection, asked
11	So the meeting must have been in	11	and answered.
12		12	
	two months, right, or scheduled for that, at		THE WITNESS: I thought that we
13	least?	13	needed a consistent approach.
14	A. I don't know if we're talking	14	MR. CRAWFORD: Next exhibit will
15	about there was a plan at some point for the	15	be 29.
16	members of the ADIWG to get together face to	16	(Document marked for
17	face before a meeting with DEA, and I don't know	17	identification as McGinn Deposition
18	if he's if I'm referencing the meeting with	18	Exhibit No. 29.)
19	ADIWG or DEA, but I believe that there was a	19	BY MR. CRAWFORD:
20	meeting scheduled with DEA at this point.	20	Q. This is an e-mail chain, the top
21	Q. Right, and I skipped a sentence.	21	e-mail on the first page is August 9, 2011 from
22	You said, "We shouldn't be talking about	22	Jack Crowley to a number of individuals,
23	distributors need this and manufacturers need	23	including yourself at Cephalon.
24	that."	24	Was this before you had
	D 410		
	Page 419	1	Dage 4711
_			
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2	Cephalon had become part of Teva? A. Yes. My recollection is that	2	available to other groups and audiences besides manufacturers - like the Pain Care Forum which
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Page 421 Page 422 1 working at Cephalon, and we didn't have a New 1 And we're talking here about some 2 Jersey office, but when Teva acquired Cephalon, 2 kind of paper being prepared by the group, 3 3 I became aware of this group, and what they told correct? 4 me was that the field office called in their 4 That's what it looks like. A. 5 registrants and asked them to get together to 5 What is this paper about? Q. 6 talk about DEA issues. I don't -- I would have to -- is 6 A. 7 Was there a letter or something 7 it attached here? 8 or was there a phone call, or how did this 8 I don't know. I don't think so, 9 start? 9 no. 10 10 I'm not sure because I didn't get I don't know what it was about. the initial communication, but I do know that All right. And the Pain Care 11 11 12 the Buzzeo group was involved in initially 12 Forum, what is that organization? 13 facilitating the meeting with DEA. A. I don't know. 13 14 And did the DEA meet with this 14 And was Teva a member or actually 15 group? 15 Cephalon a member of this Pain Care Forum? 16 16 A. Yes. A. I'm not sure. 17 Q. How many times? 17 Go to second page, about a little 18 A. I don't know how many times, but 18 over halfway down, you see on the left Cephalon 19 every time we planned a meeting we invited DEA 19 listed there. Does that -- it says, 20 20 to attend. "Participating Organizations of the Pain Care 21 Q. Okay. But was it more than once 21 Forum" on the first page, and then below it 22 or more than five times? 22 Cephalon is listed, correct? I would say it was five times or 23 A. 23 Yes, I see that. 24 24 Would you disagree that Cephalon more. Page 423 Page 424 1 1 Yes. was a member of the Pain Care Forum at this A. Which ones have you heard of, 2 time? 2 Q. 3 MR. ANDRISANI: Objection, asked 3 just a couple? 4 and answered. She didn't know. 4 A. The groups on the list? 5 5 MR. CRAWFORD: Right, but I've O. Yeah. 6 now shown her where it is, and maybe it 6 Abbott Laboratories --A. 7 7 refreshed her recollection, right. No, the pain groups, not the 8 THE WITNESS: According to this 8 pharmaceutical in -- not the pharmaceutical 9 9 companies. document, they were. 10 BY MR. CRAWFORD: 10 Oh. The HDMA I had heard of, 11 Okay. And the Pain Care Forum, 11 Healthcare Distribution Management Association. 12 have you ever heard of the Pain Care Forum? 12 Partnership for a Drug Free America, I've heard of. RADARS system I've heard of. Those are the 13 I don't remember the Pain Care 13 ones that sound familiar. 14 Forum, I don't recall. 14 15 Q. All right, thank you. If you 15 It appears to be a mixture of 16 could go to the second to last page. This is 16 pharmaceutical industry members and pain 17 advocacy groups, correct? 17 kind of the start of the e-mail chain. 18 MR. ANDRISANI: Objection, form. 18 Mr. Crowley is writing -- look at the page 19 THE WITNESS: It looks like 19 before that, does not look like you were on this 20 20 e-mail, but I want to ask you a couple questions manufacturers, different associations 21 and groups related to pain management. 21 about this. He writes here, the second sentence 22 BY MR. CRAWFORD: 22 there on the second to last page, page 848, he 23 Q. Have you ever heard of any of 23 writes, "The stage has been set to utilize the 24 these pain management groups? 24 quota process as an enforcement tool, without

	Page 425		Page 426
1	regards to healthcare providers or patients."	1	MR. ANDRISANI: Objection.
2	Do you recall at this point in	2	THE WITNESS: DEA here, you know,
3	time that there was a possibility that the quota	3	Jeff Sessions talk about DEA using more
4	process could be used as an enforcement tool by	4	tools for enforcement actions, and I
5	the DEA?	5	know quota was mentioned as one, was a
6	MR. ANDRISANI: Objection, lacks	6	recommendation to use that.
7	foundation. Somebody else's statement	7	BY MR. CRAWFORD:
8	that she didn't receive.	8	Q. So that would have been in the
9	MR. CRAWFORD: Right, but I'm	9	past two years?
10	just asking if she remembers anything	10	A. Yes.
11	similar to what's being discussed here.	11	Q. And can you tell me what quota
12	THE WITNESS: I don't recall	12	is?
13	exactly what was being discussed in	13	
			A. Yeah. A quota is something that
14	terms of using quota as enforcement in	14	DEA we apply for based on sales data. We
15	2011.	15	apply for quota, DEA tells us how much we can
16	BY MR. CRAWFORD:	16	procure for Schedule IIs in a given calendar
17	Q. Have you ever heard of quota	17	year.
18	being used as enforcement an enforcement tool	18	Q. So the way is it your
19	by the DEA ever?	19	understanding that quotas can be used as an
20	A. Up to today?	20	enforcement tool in a way that if the DEA learns
21	Q. Up till today.	21	that there is some kind of deficiency or failure
22	A. Yes.	22	of a company's suspicious order monitoring
23	Q. And in what context have you	23	system, that they could simply reduce the quota
24	heard about that?	24	of opioids that that company can sell, is that
	Page 427		Davis 420
1		1	Page 428
1 2	what your understanding of how it might be used	1 2	go to the first e-mail on the second page. We
2	what your understanding of how it might be used as an enforcement tool against a pharmaceutical	2	go to the first e-mail on the second page. We marked as Exhibit 30 an e-mail chain from you,
2 3	what your understanding of how it might be used as an enforcement tool against a pharmaceutical company?	2	go to the first e-mail on the second page. We marked as Exhibit 30 an e-mail chain from you, Colleen McGinn, dated July 6, 2012 to Jack
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	Page 429		Page 430
1	Q. And did that meeting take place?	1	MR. ANDRISANI: Objection,
2	A. Not that I recall, no.	2	foundation, lacks foundation, form.
3	Q. And do you know why the meeting	3	BY MR. CRAWFORD:
4	fell through?	4	Q. I'm just asking for your
5	A. I don't.	5	understanding. Is that a way you can use it as
6	Q. So back here on the first page,	6	an enforcement tool?
7	Mr. Crowley writes back to you on July 12, 2012,	7	A. That was Jack's understanding.
8	he writes to you, "Hello Colleen, in follow-up	8	Q. And did you ever have an
9	to our discussion, Chris could approach John by	9	understanding of that might be how an
10	asking exactly what we talked about."	10	enforcement tool might work if the DEA chose to
11	Skipping down a bit to the fourth	11	use quota as an enforcement tool?
12	paragraph he writes, we know that they are	12	A. I guess that was one way they
13	starting to hold these manufacturers accountable	13	could look at it.
14	and will move to reduce their quota by the same	14	MR. CRAWFORD: Let's mark Exhibit
15	percent as the diversion percent they can prove.	15	31 here.
16	Example - Pharmacy Z filled 400 prescriptions	16	(Document marked for
17	for controlled substances last week. 394 of the	17	identification as McGinn Deposition
18	400 were for oxycodone 30 milligrams IR; 393	18	Exhibit No. 31.)
19	were for cash. The NDC number indicated that	19	BY MR. CRAWFORD:
20	the product used to fill those prescriptions	20	Q. This is an e-mail from you to the
21	came from manufacturer X. Bingo.	21	NJPIG group regarding it's in February 27,
22	Is that your understanding of one	22	2013 regarding "NJPIG Meeting - Information on
23	way that the DEA can use quota as an enforcement	23	FDA Hydrocodone Hearing."
24	tool through that example that he's providing?	24	You write, "As promised, I'm
			_
	Page 431		Page 432
1	Page 431 forwarding information from FDA hearing on the	1	Page 432 Q. Yeah.
1 2		1 2	
	forwarding information from FDA hearing on the		Q. Yeah.
2	forwarding information from FDA hearing on the rescheduling of Hydrocodone to all meeting	2	Q. Yeah.A. I remember that there was a rescheduling action.Q. Okay. And what was what would
2 3	forwarding information from FDA hearing on the rescheduling of Hydrocodone to all meeting attendees. It was great seeing all of you	2	Q. Yeah. A. I remember that there was a rescheduling action.
2 3 4	forwarding information from FDA hearing on the rescheduling of Hydrocodone to all meeting attendees. It was great seeing all of you yesterday. Thanks PF Labs for hosting (again)."	2 3 4	Q. Yeah.A. I remember that there was a rescheduling action.Q. Okay. And what was what would
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2 3 4 5 6 7	forwarding information from FDA hearing on the rescheduling of Hydrocodone to all meeting attendees. It was great seeing all of you yesterday. Thanks PF Labs for hosting (again)." Very quickly, do you recall hosting this meeting for NJPIG around this time period?	2 3 4 5 6 7	Q. Yeah. A. I remember that there was a rescheduling action. Q. Okay. And what was what would have been the concern or subject of the meeting with regard to that rescheduling action? MR. ANDRISANI: Objection, form.
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	Page 433		Page 434
1	Q. And why is that?	1	This is an e-mail chain with the
2	A. They weren't a member of the	2	last e-mail or second to last e-mail from you
3	group. They may have come to speak, but they	3	to Jack Crowley and others, August 15, 2012, and
4	were not a member of the NJPIG.	4	take a look at this document, but the question I
5	Q. And the members of the group,	5	want to ask you here is you write, "Ron Buzzeo
6	were they manufacturers and distributors of	6	has been talking about this group a lot."
7	opioid products?	7	They're talking about the CCSM
8	A. Yes.	8	group that's forming. "Apparently people are
9	MR. CRAWFORD: Next exhibit, 32.	9	using them to fight SOM issues."
10	(Documents marked for	10	And I'm just trying to find out
11	identification as McGinn Deposition	11	what you meant by "fight SOM issues." If you
12	Exhibit Nos. 32 and 33.)	12	could take a look at that and let me know what
13	THE WITNESS: Is it okay if I	13	that means.
14	take a break, just a quick one, please?	14	A. (Witness reviews document.)
15	MR. ANDRISANI: Absolutely.	15	I'm sorry. Can you repeat the
16	THE VIDEOGRAPHER: Off the	16	question now that I've read it.
17	record, 6:35.	17	Q. Yeah, I just want to know what
18	(Brief recess.)	18	you meant. You say, "Apparently people are
19	THE VIDEOGRAPHER: We are back on	19	using them" this is the CCSM group that's
20	the record at 6:43.	20	forming "to fight SOM issues."
21	BY MR. CRAWFORD:	21	What do you mean by "fight SOM
22	Q. I have limited time here. I have	22	issues"?
23	marked Exhibits 32 and 33, and I just have one	23	A. By defending their companies
24	question on 33. I want to go to that first.	24	against regulatory action by the DEA about SOM
	Page 435		
	rage 433		Page 436
1	issues.	1	Page 436 A. They would not have included them
1 2		1 2	
	issues.		A. They would not have included them
2	issues. Q. And the CCM CCSM apparently	2	A. They would not have included them on the agenda. Usually if DEA came to these
2	issues. Q. And the CCM CCSM apparently had hired two attorneys from the DEA to speak at	2	A. They would not have included them on the agenda. Usually if DEA came to these meetings, it would be over lunch period, and
2 3 4	issues. Q. And the CCM CCSM apparently had hired two attorneys from the DEA to speak at this initial meeting they're having, right?	2 3 4	A. They would not have included them on the agenda. Usually if DEA came to these meetings, it would be over lunch period, and then we would have the opportunity to talk to
2 3 4 5	issues. Q. And the CCM CCSM apparently had hired two attorneys from the DEA to speak at this initial meeting they're having, right? A. I don't know if they hired them or they volunteered. I don't know if they were paid to do it or if they started it. It's not	2 3 4 5	A. They would not have included them on the agenda. Usually if DEA came to these meetings, it would be over lunch period, and then we would have the opportunity to talk to them, but it would not have been included on the agenda because we weren't sure if they were going to show up.
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	Page 437		Page 438
1	going forward on behalf of my clients	1	Q. Do you know approximately when
2	due to Teva's continuous failures to	2	that was?
3	meet its obligations set forth in the	3	A. No, it was I don't remember.
4	state and federal cooperation protocol	4	Q. And do you know if that was in
5	as laid out in our previous deposition	5	your work with Teva or one of the other
6	records and in our pending motion to	6	companies that you've worked for?
7	quash. With all of that being said, I	7	A. Cephalon.
8	do have some questions for you.	8	Q. So it's fair to say that that
9	BY MR. GASTEL:	9	visit was prior to Teva's acquisition of
10	Q. As I just stated, I'm	10	Cephalon?
11	representing a different group of plaintiffs	11	A. Yes.
12	than the ones that the previous questioners were	12	Q. But you don't remember the exact
13	asking you about throughout today, and my	13	year?
14	clients are all located in the state of	14	A. No, I don't.
15	Tennessee, so I'll begin by asking you, have you	15	Q. Do you recall the nature of your
16	ever been to the state of Tennessee?	16	visit to the Cardinal facility?
17	A. At some point in time, yes.	17	A. It would have been to evaluate
18	Q. Was that for work-related	18	Cardinal's controlled substance program.
19	purposes?	19	Q. And do you remember the results
20	A. Yes.	20	of that evaluation?
21	Q. Do you recall what that instance	21	A. I don't recall the exact results,
22	was?	22	no.
23	A. I recall going to the Cardinal	23	Q. Do you know if there was a
24	facility in La Vergne, Tennessee.	24	written report from that evaluation?
	Page 439		D 440
	1490 139		Page 440
1	A. There I'm sure there was.	1	particularly problematic in certain places in
1 2		1 2	
	A. There I'm sure there was.		particularly problematic in certain places in
2	A. There I'm sure there was.Q. Do you know if you wrote such a	2	particularly problematic in certain places in the country?
2 3	A. There I'm sure there was. Q. Do you know if you wrote such a report?	2 3	particularly problematic in certain places in the country? A. Yes.
2 3 4	A. There I'm sure there was.Q. Do you know if you wrote such a report?A. I probably did.	2 3 4	particularly problematic in certain places in the country? A. Yes. Q. And one of those places is in
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	Page 441		Page 442
1	that area of the country differently than orders	1	That's what I think of.
2	going somewhere else?	2	Q. Any other ways for prescription
3	A. I know that it's something that	3	opioids to be delivered or diverted, in your
4	Joe Tomkiewicz would review or look at in his	4	mind?
5	suspicious order monitoring program.	5	A. Yeah, I mean, patients I mean,
6	Q. And do you know when he started	6	people could steal the drugs for a legitimate
7	doing that?	7	patient. They could take somebody else's drug.
8	A. No.	8	Q. What do you mean by "legitimate
9	Q. In your mind, what is a	9	patient"?
10	suspicious order for prescription opioids?	10	A. So you assume that a doctor
11	A. A suspicious order for any	11	writes a prescription for somebody who really
12	controlled substance would be an order of	12	needs the medication that we provide, and
13	unusual size, an order of unusual frequency or	13	somebody would take it that wasn't prescribed
14	with an unusual pattern.	14	the drug.
15	Q. And, in your mind, what is a	15	Q. Have you ever looked or strike
16	diverted prescription opioid?	16	that.
17	A. It's a product that lands outside	17	What is your understanding of
18	of the intended destination.	18	opioid prescription rates in the state of
19	Q. What are the sources of illegally	19	Tennessee?
20	diverted prescription opioids?	20	A. I don't know.
21	A. What are the sources?	21	Q. What is your understanding of the
22	Q. How can opioids be diverted?	22	prescription opioid crisis in the state of
23	A. They could be stolen from the	23	Tennessee?
24	facility or anywhere in the supply chain.	24	A. I don't have specifics.
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	- 440		
	Page 443		Page 444
1	Q. Have you ever reviewed materials	1	Page 444 in the state of Tennessee?
1 2		1 2	
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	Page 445		Page 446
1	consumers of prescription opioids obtain those	1	A. We have physical security
2	opioids for the express purpose of using them	2	controls, and we have procedures for employees
3	for nonmedical purposes?	3	to follow.
4	A. I'm sorry. Can you repeat the	4	Q. Anything else?
5	question.	5	A. And the question was apart from
6	Q. Sure. Would you agree that some	6	the SOM?
7	consumers of prescription opioids obtain those	7	O. Yeah.
8	opioids for the express reason to use them for	8	A. Besides physical security and
9	nonmedical purposes?	9	written procedures, no.
10	MR. ANDRISANI: Objection, form.	10	Q. Is the purpose of Teva's
11	THE WITNESS: I've heard that,	11	suspicious order monitoring program to track
12	yes.	12	potential orders of prescription opioids that
13	BY MR. GASTEL:	13	may end up on the illegal drug market?
14	Q. We've talked a lot about Teva's	14	MR. ANDRISANI: Objection, form.
15	special suspicious order monitoring program	15	THE WITNESS: Ultimately, yes.
16	today, and apart from the SOM program, what else	16	BY MR. GASTEL:
17	does Teva do to prevent the illegal diversion of	17	Q. I'm going to hand you a document
18	its prescription opioid products?	18	that we will mark as McGinn-34.
19	A. We have procedures in place to	19	(Document marked for
20	ensure that the material is not diverted from	20	identification as McGinn Deposition
21	our supply chain or that we detect it.	21	Exhibit No. 34.)
22	Q. And what you mean by that is you	22	BY MR. GASTEL:
23	have controls at your at your individual	23	Q. This is an e-mail chain between
24	manufacturing facilities?	24	you and Kevin Kreutzer from March of 2013.
			•
	D 445		
	Page 447		Page 448
1	Do you see that?	1	at least the title of it is Teva suspicious
1 2		1 2	
	Do you see that? A. Yes. Q. And attached to it is a		at least the title of it is Teva suspicious
2	Do you see that? A. Yes. Q. And attached to it is a PowerPoint presentation.	2	at least the title of it is Teva suspicious order monitoring training? A. Yes. Q. And was the intent to give this
2	Do you see that? A. Yes. Q. And attached to it is a	2	at least the title of it is Teva suspicious order monitoring training? A. Yes. Q. And was the intent to give this PowerPoint presentation at training for internal
2 3 4	Do you see that? A. Yes. Q. And attached to it is a PowerPoint presentation. Do you see that? A. Yes.	2 3 4	at least the title of it is Teva suspicious order monitoring training? A. Yes. Q. And was the intent to give this
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Do you see that? A. Yes. Q. And attached to it is a PowerPoint presentation. Do you see that? A. Yes. Q. And do you see going to the first e-mail in the chain, which is dated March 15th, 2013. Do you see that? A. Yes. Q. It says, "Colleen, could you take a look at the PPT that Bob came up with." A. Yes. Q. And do you recall who Bob is? A. It would be Bob Williamson from Buzzeo PDMA. Q. And he then Mr. Kreutzer then asked you to make some comments on this PowerPoint presentation that Bob put together, right?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	at least the title of it is Teva suspicious order monitoring training? A. Yes. Q. And was the intent to give this PowerPoint presentation at training for internal Teva employees? A. It looks like it. Q. And do you know if this presentation was ever given? A. I do not recall. Q. Do you see flip over to slide 5 of the PowerPoint presentation, and we're going to see a chart that at least today is probably somewhat familiar. Do you see that? A. Page 5? Q. Yes. A. Yes. Q. This is similar to a chart that Mr. Cartmell showed you earlier, right? A. Yes.

	Page 449		Page 450
1	Do you see that reference?	1	there that shows the "Past Month Nonmedical Use
2	A. Yes.	2	of Types of Psychotherapeutic Drugs among
3	Q. And it shows the sales of	3	Persons Aged 12 or older: 2002-2011."
4	prescription opioids increasing from 1999 to	4	Do you see that?
5	2010, right?	5	A. Yes.
6	A. Yes.	6	Q. And the top line is identified as
7	Q. And it shows prescription opioid	7	pain relievers, right?
8	deaths rising consistently with the sales	8	A. Yes.
9	figures.	9	Q. And that would include
10	Do you see that?	10	prescription opioids, right?
11	A. I see it.	11	A. Yes.
12	Q. And then also the treatment	12	Q. And it shows that on a per month
13	admissions per 10,000 people also rises	13	basis from 2002 to 2011, the percentage of the
14	consistently with the sales data.	14	United States population that are using
15	Do you see that?	15	prescription pain relievers for nonmedical
16	A. Yes.	16	purposes fluctuates between 1.7% and 2.1%.
17	Q. And you were putting that in	17	Do you see that?
18	your or at least Teva was putting that in	18	A. Yes.
19	training materials for its SOM staff as early as	19	Q. And then on the next figure
20	2013, right?	20	they I think what has happened here is that
21	A. This is something that Bob	21	they've converted that into actual number of
22	Williamson put in the slides that we asked for.	22	people.
23	Q. And then will you flip to the	23	So will you flip to page 7. And
24	next slide, and it shows there's a figure	24	do you see that it references that there are
	Page 451		Page 452
1	6.1 million people use controlled	1	MR. ANDRISANI: Objection, form,
2	pharmaceuticals for nonmedical uses in 2011?	2	argumentative.
3	Do you see that?	3	THE WITNESS: We did not create
4			THE WITNESS. We did not create
4	A. I see that.	4	this PowerPoint. It came from Bob
5	A. I see that.Q. And then it says that the rates	4 5	
5 6	Q. And then it says that the rates of current nonmedical uses of controlled		this PowerPoint. It came from Bob Williamson. BY MR. GASTEL:
5	Q. And then it says that the rates of current nonmedical uses of controlled substances declined to 2.8%. That's 2.8% of the	5	this PowerPoint. It came from Bob Williamson. BY MR. GASTEL: Q. But it was created with the
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And then it says that the rates of current nonmedical uses of controlled substances declined to 2.8%. That's 2.8% of the American population, right? A. I don't know what that's a 2.8% of. Q. Well, again, if we go back to the previous slide, this is the ages of 12 or older from 2002 to 2011. Do you see that? A. Yes. Q. And then if you go back to the seventh page, you see that there's kind of like a party going on at the bottom. Do you see that? A. I see it. Q. Do you know why people are celebrating the fact that 6.1 million people use	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	this PowerPoint. It came from Bob Williamson. BY MR. GASTEL: Q. But it was created with the intend to train your SOM staff? A. I asked him for a PowerPoint, Bob Williamson. Q. And so as early as 2013, you were presented with information from and I don't want to retread ground here, but from a trusted expert in this field that there were at least 6.1 million people in this country who were using controlled pharmaceuticals for nonmedical uses, right? A. That's what he states here. Q. And during that time period, again, I don't want to retread ground here, but based on your testimony earlier, during that period, Teva Pharmaceuticals was not reporting a
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. And then it says that the rates of current nonmedical uses of controlled substances declined to 2.8%. That's 2.8% of the American population, right? A. I don't know what that's a 2.8% of. Q. Well, again, if we go back to the previous slide, this is the ages of 12 or older from 2002 to 2011. Do you see that? A. Yes. Q. And then if you go back to the seventh page, you see that there's kind of like a party going on at the bottom. Do you see that? A. I see it. Q. Do you know why people are celebrating the fact that 6.1 million people use controlled pharmaceuticals for nonmedical uses	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	this PowerPoint. It came from Bob Williamson. BY MR. GASTEL: Q. But it was created with the intend to train your SOM staff? A. I asked him for a PowerPoint, Bob Williamson. Q. And so as early as 2013, you were presented with information from and I don't want to retread ground here, but from a trusted expert in this field that there were at least 6.1 million people in this country who were using controlled pharmaceuticals for nonmedical uses, right? A. That's what he states here. Q. And during that time period, again, I don't want to retread ground here, but based on your testimony earlier, during that period, Teva Pharmaceuticals was not reporting a single one of its prescription opioid orders as
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. And then it says that the rates of current nonmedical uses of controlled substances declined to 2.8%. That's 2.8% of the American population, right? A. I don't know what that's a 2.8% of. Q. Well, again, if we go back to the previous slide, this is the ages of 12 or older from 2002 to 2011. Do you see that? A. Yes. Q. And then if you go back to the seventh page, you see that there's kind of like a party going on at the bottom. Do you see that? A. I see it. Q. Do you know why people are celebrating the fact that 6.1 million people use	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	this PowerPoint. It came from Bob Williamson. BY MR. GASTEL: Q. But it was created with the intend to train your SOM staff? A. I asked him for a PowerPoint, Bob Williamson. Q. And so as early as 2013, you were presented with information from and I don't want to retread ground here, but from a trusted expert in this field that there were at least 6.1 million people in this country who were using controlled pharmaceuticals for nonmedical uses, right? A. That's what he states here. Q. And during that time period, again, I don't want to retread ground here, but based on your testimony earlier, during that period, Teva Pharmaceuticals was not reporting a

	Page 453		Page 454
1	MR. ANDRISANI: Objection, form,	1	2015.
2	asked and answered.	2	Q. And at some point in 2015 you
3	THE WITNESS: During which time	3	started using it as part of your SOM program,
4	period?	4	correct?
5	BY MR. GASTEL:	5	A. We began using it on a regular
6	Q. From the period covered by this	6	basis.
7	slide.	7	Q. And so and the chargeback data
8	A. 2011?	8	allows you as Teva, the manufacturer of these
9	Q. Yes.	9	prescription opioids, to track down the supply
10	A. Yes.	10	chain to see where your pharmaceuticals are
11	Q. We've talked a lot today about	11	ultimately ending up, right?
12	chargeback data.	12	MR. ANDRISANI: Objection, form,
13	Do you remember that testimony?	13	lack of foundation.
14	A. Yes.	14	THE WITNESS: For those people
15	Q. Have you ever seen chargeback	15	that apply for chargebacks, yes, we
16	data well, I think the testimony earlier is	16	would have that data.
17	that at some point in 2015, Teva started using	17	BY MR. GASTEL:
18	chargeback data which it received on a monthly	18	Q. And it's not every single order
19	and quarterly basis.	19	from the Teva system, but it's the ones that you
20	Do you remember that testimony?	20	have the data for, right?
21	A. I remember saying that I don't	21	A. Yes.
22	know what we were doing with chargeback data.	22	Q. And you're getting that monthly
23	We may have reviewed it, but not using it in a	23	and quarterly?
24	systematic manner that we started using it in	24	A. I don't know what the period is.
	Page 455		2 456
1		1	Page 456
1	I don't review it myself.	1	MR. GASTEL: Yeah, yeah, it's
2	I don't review it myself. Q. Have you ever looked at it	2	MR. GASTEL: Yeah, yeah, it's there at the top.
2	I don't review it myself. Q. Have you ever looked at it yourself?	2 3	MR. GASTEL: Yeah, yeah, it's there at the top. MR. CRAWFORD: Okay, thank you.
2 3 4	I don't review it myself. Q. Have you ever looked at it yourself? A. No.	2 3 4	MR. GASTEL: Yeah, yeah, it's there at the top. MR. CRAWFORD: Okay, thank you. BY MR. GASTEL:
2 3 4 5	I don't review it myself. Q. Have you ever looked at it yourself? A. No. Q. Well, let me	2 3 4 5	MR. GASTEL: Yeah, yeah, it's there at the top. MR. CRAWFORD: Okay, thank you. BY MR. GASTEL: Q. And then you'll see the column A
2 3 4 5 6	I don't review it myself. Q. Have you ever looked at it yourself? A. No. Q. Well, let me MR. GASTEL: Will you pull up the	2 3 4 5 6	MR. GASTEL: Yeah, yeah, it's there at the top. MR. CRAWFORD: Okay, thank you. BY MR. GASTEL: Q. And then you'll see the column A there is calendar month 2015/04.
2 3 4 5 6 7	I don't review it myself. Q. Have you ever looked at it yourself? A. No. Q. Well, let me MR. GASTEL: Will you pull up the Excel spreadsheet.	2 3 4 5 6 7	MR. GASTEL: Yeah, yeah, it's there at the top. MR. CRAWFORD: Okay, thank you. BY MR. GASTEL: Q. And then you'll see the column A there is calendar month 2015/04. Do you see that?
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2 3 4 5 6 7 8 9 10 11 12 13	I don't review it myself. Q. Have you ever looked at it yourself? A. No. Q. Well, let me MR. GASTEL: Will you pull up the Excel spreadsheet. BY MR. GASTEL: Q. I did not bring a copy of this Excel spreadsheet because it's enormous. You will see at the top that it's the document is labeled Teva MDLA 01037285, and it carries the name "April 15	2 3 4 5 6 7 8 9 10 11 12 13	MR. GASTEL: Yeah, yeah, it's there at the top. MR. CRAWFORD: Okay, thank you. BY MR. GASTEL: Q. And then you'll see the column A there is calendar month 2015/04. Do you see that? A. Yes. Q. Would that suggest to you that this data is covering calendar month April 2015? A. I would assume so. Q. And then it has a customer ID across the top, right, end customer?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	I don't review it myself. Q. Have you ever looked at it yourself? A. No. Q. Well, let me MR. GASTEL: Will you pull up the Excel spreadsheet. BY MR. GASTEL: Q. I did not bring a copy of this Excel spreadsheet because it's enormous. You will see at the top that it's the document is labeled Teva MDLA 01037285, and it carries the name "April 15 Chargeback Analysis." Do you see that? A. Yes. MR. ANDRISANI: Do you know if it had came with a year? MR. GASTEL: That is the name of the document as it appears in its native file, okay, "April 15 Chargeback	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. GASTEL: Yeah, yeah, it's there at the top. MR. CRAWFORD: Okay, thank you. BY MR. GASTEL: Q. And then you'll see the column A there is calendar month 2015/04. Do you see that? A. Yes. Q. Would that suggest to you that this data is covering calendar month April 2015? A. I would assume so. Q. And then it has a customer ID across the top, right, end customer? A. Yes. Q. Would that suggest to you that this is assuming that it's chargeback data is the chargeback data for the end customer who ultimately got the product that's listed there? MR. ANDRISANI: Again, objection, lack of foundation. She said she's never looked at this before.

1 BYMR, GASTEL: 2 Q. Sure. And you've used Microsoft 3 Excel before, right? 4 A. Yes. 5 Q. So and you know that you can 6 manipulate data in Excel to make charts and 7 tubles, right? 8 A. Yes. 9 Q. I'm going to hand you a document 10 that is what's called a pivot table that I made 11 from this data, okay. 12 (Document marked for 13 identification as McGinn Deposition 14 Exhibit No. 35.) 15 MR, ANDRISANI: It is a document 16 you created? 17 MR, GASTEL: Yes, from the data 18 that's in this spreadsheet. And, again, 19 I forget the exact number of lines in 19 I forget the exact number of lines in 20 of thiossands, sorry, it's a 140,198 lines 22 of data. 23 MR, ANDRISANI: And I think the 24 chargeback data is stipulated as being 25 MR, ANDRISANI: I again object. 26 Q. Okay, And then it's adding up 27 you can see at the top that the "Stare (End 28 Q. Okay, And then it's adding up 39 the sum of the indirect sales quantity, 30 Do you see that? 4 A. Yes. 6 Q. Okay, And then it's adding up 4 the sum of the indirect sales quantity, 31 Do you see that? 4 A. Yes. 6 Q. Okay, And then it's adding up 4 the sum of the indirect sales quantity, 31 MR, GASTEL: 32 MR, GASTEL: 33 MR, ANDRISANI: I again object. 34 A. Yes. 55 Q. And then it's adding up 4 the sum of the indirect sales quantity, 4 A. Yes. 6 Q. Okay, And then it's adding up 5 the sum of the indirect sales quantity, 6 Do you see that? 7 MR, GASTEL: van, I understand, 7 MR, GASTEL: Wan, I understand, 7 MR, GASTEL: Wan, I understand, 8 MR, ANDRISANI: But you'd have to 8 be witness as to how it's created. 9 MR, GASTEL: Sure. 19 MR, GASTEL: Sure. 10 MR, GASTEL: Sure. 11 MR, GASTEL: Sure. 11 MR, GASTEL: Sure. 12 MR, GASTEL: Sure. 13 MR, GASTEL: Sure. 14 A. Yes. 15 Q. And I lists the quantity for the 16 individual. 17 MR, GASTEL: 18 MR, GASTE		Page 457		Page 458
2 Should also be marked confidential. Excel before, right? 4 A. Yes. Q. So and you know that you can manipulate data in Excel to make charts and tables, right? 8 A. Yes. 9 Q. I'm going to hand you a document that is what's called a pivot table that I made from this data, okay. 10 (Document marked for 12 identification as McGinn Deposition 14 Exhibit No. 35.) 15 MR. ANDRISANI: It is a document 16 you created? 17 MR. GASTEL: Yes, from the data 18 that's in fhis spreadsheet. And, again, 19 I forget the exact number of lines in 19 thousands, sorry, it's a 140,198 lines of data. 20 this spreadsheet, but it is hundreds of 21 thousands, sorry, it's a 140,198 lines of data. 3 MR. ANDRISANI: And I think the 24 chargehack data is stipulated as being Page 459 1 is doing, just so you know, it's adding up — you can see at the top that the "State (End 3 Customer)" is Tennessee. 4 Do you see that? 5 A. Yes. 6 Q. Okay. And then it's adding up 1 the sum of the indirect sales quantity. 7 the sum of the indirect sales quantity. 8 Do you see that? 9 MR. ANDRISANI: Jagain object. 10 I don't mind her saying that she sees 10 I don't mind her saying that she sees 11 ii. 12 MR. GASTEL: Yeah, I understand. 13 MR. ANDRISANI: Bagain object. 14 MR. GASTEL: Sure. 15 MR. GASTEL: Sure. 16 THE WITNESS: I see it. 17 MR. GASTEL: Sure. 18 MY. GASTEL: Sure. 19 MY. GASTEL: Sure. 10 And so, according to this document, I vay add during the period covered by this practical period covered by this practi	1		1	
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2 you can see at the top that the "State (End 3 Customer)" is Tennessee. 4 Do you see that? 4 A. Yes. 5 A. Yes. 6 Q. Okay. And then it's adding up 7 the sum of the indirect sales quantity. 8 Do you see that? 9 MR. ANDRISANI: I again object. 10 I don't mind her saying that she sees 11 it. 12 MR. GASTEL: Yeah, I understand. 13 MR. ANDRISANI: But you'd have to 14 be witness as to how it's created. 15 MR. GASTEL: Sure. 16 THE WITNESS: I see it. 17 MR. GASTEL: And then can you 18 pull up the chart now, please, which is 19 document 2. 20 BY MR. GASTEL: 21 Q. And I don't want to focus on the 22 prescription opioids listed. 2 A. Yes. 3 Q. Do you see that? 4 A. Yes. 3 Q. And Yes. 4 A. Yes. 5 Q. And then it lists — it lists 6 essentially the customer that purchased this 6 drug from Teva and then, again, as we talked about chargeback data, it's a way to track where 7 these drugs ultimately end up. 9 You understand that that's what 11 chargeback data does, right? 12 A. Yes. 13 MR. ANDRISANI: And I object to 14 the form and the foundation as to what 15 these are. 16 MR. GASTEL: Sure. 17 MR. GASTEL: Sure. 18 pull up the chart now, please, which is 19 document, Teva sold during the period covered by 19 this particular spreadsheet, 5,807 of these 20 Do you see that? 21 Do you see that? 22 Do you see that? 23 mrs. ROLLINS: Objection to form.	1	is doing, just so you know, it's adding up	1	10/325MG Tab 500"?
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4 Do you see that? A. Yes. Q. Okay. And then it's adding up the sum of the indirect sales quantity. Do you see that? MR. ANDRISANI: I again object. I don't mind her saying that she sees MR. GASTEL: Yeah, I understand. MR. ANDRISANI: But you'd have to be witness as to how it's created. MR. GASTEL: Sure. THE WITNESS: I see it. MR. GASTEL: And then can you prescription opioids listed. A. Yes. Q. And then it lists — it lists essentially the customer that purchased this drug from Teva and then, again, as we talked about chargeback data, it's a way to track where these drugs ultimately end up. You understand that that's what chargeback data does, right? A. Yes. MR. ANDRISANI: And I object to He form and the foundation as to what the form and the foundation as to what these are. MR. GASTEL: Sure. MR. GASTEL: Sure. MR. GASTEL: Sure. MR. GASTEL: Sure. Do you see that? Do you see that? MS. ROLLINS: Objection to form.	3		3	O. Do you see that?
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15 MR. GASTEL: Sure. 16 THE WITNESS: I see it. 17 MR. GASTEL: And then can you 18 pull up the chart now, please, which is 19 document 2. 19 document, Teva sold during the period covered by 20 BY MR. GASTEL: 20 this particular spreadsheet, 5,807 of these 21 Q. And I don't want to focus on all 22 of the drugs here. I do want to focus on the 23 prescription opioids listed. 25 these are. 26 MR. GASTEL: Sure. 27 BY MR. GASTEL: 28 Q. And so, according to this 29 document, Teva sold during the period covered by 20 this particular spreadsheet, 5,807 of these 21 bottles to AmerisourceBergen. 22 Do you see that? 23 MS. ROLLINS: Objection to form.		•		-
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prescription opioids listed. 23 MS. ROLLINS: Objection to form.		O A = d I doubt **** - f 11	. / 1	nonnes in americource sergen
	21			_
Do you see "Hydrocodone/APAP 24 MR. ANDRISANI: I object to it as	21 22	of the drugs here. I do want to focus on the	22	Do you see that?
	21 22 23	of the drugs here. I do want to focus on the prescription opioids listed.	22	Do you see that? MS. ROLLINS: Objection to form.

Page 46	1	Page 462
1 well. This lacks foundation.	1	is 500 pills and being sold in the quantity
2 THE WITNESS: I see it.	2	5,807, that would mean that that's 2.9 million
3 BY MR. GASTEL:	3	pills, right?
4 Q. And then you see that it says tab	4	MS. ROLLINS: Objection to form.
5 500, that's tab 500 means the number of pil	ls 5	MR. ANDRISANI: Objection.
6 that are in that order, right?	6	THE WITNESS: Rough math, yeah.
7 MR. ANDRISANI: Objection, form	n, 7	BY MR. GASTEL:
8 lacks foundation.	8	Q. And then, again, if you want to
9 THE WITNESS: Yes.	9	go down to the "Oxycodone HCL 15 MG Tab 500,"
10 BY MR. GASTEL:	10	and, again, just looking at the
Q. So if we're assuming that that is	11	AmerisourceBergen line item, there's 5,411 of
12 correct and you do the math, 5,807 of these	12	those orders, right?
prescription opioid bottles are being sold to	13	MS. ROLLINS: Objection to form.
14 AmerisourceBergen, and that constitutes	14	MR. ANDRISANI: Objection, lacks
15 2.9 million pills?	15	foundation, form.
MS. ROLLINS: Objection to form.	16	BY MR. GASTEL:
17 MR. ANDRISANI: Objection.	17	Q. And that would translate into
18 BY MR. GASTEL:	18	541,100 pills, right?
Q. Which is roughly 5,807 times 500?	19	MS. ROLLINS: Objection to form.
MS. ROLLINS: Objection to form.	20	MR. ANDRISANI: Objection.
21 THE WITNESS: Okay.	21	THE WITNESS: Yes.
22 BY MR. GASTEL:	22	BY MR. GASTEL:
Q. Assuming again, assuming that	23	Q. And then going to the next one,
24 this that that's what this shows, that this	24	"Oxycodone HCL 30MG, Tab 100," there's, 4,009 of
Page 46	3	Page 464
1 those orders, right?	1	BY MR. GASTEL:
2 MS. ROLLINS: Objection to form.	2	Q. Which would translate to
3 MR. ANDRISANI: Same objection to	to 3	1.2 million pills?
4 the foundation.	4	MS. ROLLINS: Objection to form.
5 THE WITNESS: Yes.	5	MR. ANDRISANI: Objection.
6 BY MR. GASTEL:	6	THE WITNESS: Yes.
7 Q. And, again, if that tab 100 means	7	
		BY MR. GASTEL:
8 that's the number of pills, that's 400,900	8	BY MR. GASTEL: Q. Which, again, this is just
9 pills, right?	8 9	
9 pills, right? 10 MS. ROLLINS: Objection to form.		Q. Which, again, this is just limited to the state of Tennessee based on the data that was in that spreadsheet.
9 pills, right? 10 MS. ROLLINS: Objection to form. 11 MR. ANDRISANI: Objection.	9 10 11	Q. Which, again, this is just limited to the state of Tennessee based on the data that was in that spreadsheet. MS. ROLLINS: Objection to form.
9 pills, right? 10 MS. ROLLINS: Objection to form. 11 MR. ANDRISANI: Objection. 12 THE WITNESS: Yes.	9 10 11 12	Q. Which, again, this is just limited to the state of Tennessee based on the data that was in that spreadsheet. MS. ROLLINS: Objection to form. MR. ANDRISANI: And objection to
9 pills, right? 10 MS. ROLLINS: Objection to form. 11 MR. ANDRISANI: Objection. 12 THE WITNESS: Yes. 13 BY MR. GASTEL:	9 10 11 12 13	Q. Which, again, this is just limited to the state of Tennessee based on the data that was in that spreadsheet. MS. ROLLINS: Objection to form. MR. ANDRISANI: And objection to foundation how this was created.
9 pills, right? 10 MS. ROLLINS: Objection to form. 11 MR. ANDRISANI: Objection. 12 THE WITNESS: Yes. 13 BY MR. GASTEL: 14 Q. And then take the last one there,	9 10 11 12 13 14	Q. Which, again, this is just limited to the state of Tennessee based on the data that was in that spreadsheet. MS. ROLLINS: Objection to form. MR. ANDRISANI: And objection to foundation how this was created. BY MR. GASTEL:
9 pills, right? 10 MS. ROLLINS: Objection to form. 11 MR. ANDRISANI: Objection. 12 THE WITNESS: Yes. 13 BY MR. GASTEL: 14 Q. And then take the last one there, 15 "Oxycodone/APAP 10/325MG Tab 100."	9 10 11 12 13 14 15	Q. Which, again, this is just limited to the state of Tennessee based on the data that was in that spreadsheet. MS. ROLLINS: Objection to form. MR. ANDRISANI: And objection to foundation how this was created. BY MR. GASTEL: Q. And so that would translate that
9 pills, right? 10 MS. ROLLINS: Objection to form. 11 MR. ANDRISANI: Objection. 12 THE WITNESS: Yes. 13 BY MR. GASTEL: 14 Q. And then take the last one there, 15 "Oxycodone/APAP 10/325MG Tab 100." 16 Do you see that?	9 10 11 12 13 14 15	Q. Which, again, this is just limited to the state of Tennessee based on the data that was in that spreadsheet. MS. ROLLINS: Objection to form. MR. ANDRISANI: And objection to foundation how this was created. BY MR. GASTEL: Q. And so that would translate that for whatever period of time that is covered by
9 pills, right? 10 MS. ROLLINS: Objection to form. 11 MR. ANDRISANI: Objection. 12 THE WITNESS: Yes. 13 BY MR. GASTEL: 14 Q. And then take the last one there, 15 "Oxycodone/APAP 10/325MG Tab 100." 16 Do you see that? 17 A. Yes.	9 10 11 12 13 14 15 16 17	Q. Which, again, this is just limited to the state of Tennessee based on the data that was in that spreadsheet. MS. ROLLINS: Objection to form. MR. ANDRISANI: And objection to foundation how this was created. BY MR. GASTEL: Q. And so that would translate that for whatever period of time that is covered by this chargeback analysis, Teva's internal data
9 pills, right? 10 MS. ROLLINS: Objection to form. 11 MR. ANDRISANI: Objection. 12 THE WITNESS: Yes. 13 BY MR. GASTEL: 14 Q. And then take the last one there, 15 "Oxycodone/APAP 10/325MG Tab 100." 16 Do you see that? 17 A. Yes. 18 Q. And then AmerisourceBergen is	9 10 11 12 13 14 15 16 17	Q. Which, again, this is just limited to the state of Tennessee based on the data that was in that spreadsheet. MS. ROLLINS: Objection to form. MR. ANDRISANI: And objection to foundation how this was created. BY MR. GASTEL: Q. And so that would translate that for whatever period of time that is covered by this chargeback analysis, Teva's internal data shows that it sent 5 million pills into
pills, right? MS. ROLLINS: Objection to form. MR. ANDRISANI: Objection. THE WITNESS: Yes. BY MR. GASTEL: Q. And then take the last one there, "Oxycodone/APAP 10/325MG Tab 100." Do you see that? A. Yes. Q. And then AmerisourceBergen is listed as receiving 1,200 I'm sorry 12,871	9 10 11 12 13 14 15 16 17 18	Q. Which, again, this is just limited to the state of Tennessee based on the data that was in that spreadsheet. MS. ROLLINS: Objection to form. MR. ANDRISANI: And objection to foundation how this was created. BY MR. GASTEL: Q. And so that would translate that for whatever period of time that is covered by this chargeback analysis, Teva's internal data shows that it sent 5 million pills into Tennessee during that time period, right?
9 pills, right? 10 MS. ROLLINS: Objection to form. 11 MR. ANDRISANI: Objection. 12 THE WITNESS: Yes. 13 BY MR. GASTEL: 14 Q. And then take the last one there, 15 "Oxycodone/APAP 10/325MG Tab 100." 16 Do you see that? 17 A. Yes. 18 Q. And then AmerisourceBergen is 19 listed as receiving 1,200 I'm sorry 12,871 20 of those?	9 10 11 12 13 14 15 16 17 18 19 20	Q. Which, again, this is just limited to the state of Tennessee based on the data that was in that spreadsheet. MS. ROLLINS: Objection to form. MR. ANDRISANI: And objection to foundation how this was created. BY MR. GASTEL: Q. And so that would translate that for whatever period of time that is covered by this chargeback analysis, Teva's internal data shows that it sent 5 million pills into Tennessee during that time period, right? MS. ROLLINS: Objection to form.
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9 pills, right? 10 MS. ROLLINS: Objection to form. 11 MR. ANDRISANI: Objection. 12 THE WITNESS: Yes. 13 BY MR. GASTEL: 14 Q. And then take the last one there, 15 "Oxycodone/APAP 10/325MG Tab 100." 16 Do you see that? 17 A. Yes. 18 Q. And then AmerisourceBergen is 19 listed as receiving 1,200 I'm sorry 12,871 20 of those? 21 MS. ROLLINS: Objection to form.	9 10 11 12 13 14 15 16 17 18 19 20 21	Q. Which, again, this is just limited to the state of Tennessee based on the data that was in that spreadsheet. MS. ROLLINS: Objection to form. MR. ANDRISANI: And objection to foundation how this was created. BY MR. GASTEL: Q. And so that would translate that for whatever period of time that is covered by this chargeback analysis, Teva's internal data shows that it sent 5 million pills into Tennessee during that time period, right? MS. ROLLINS: Objection to form. MR. ANDRISANI: And again

	Page 465		Page 466
1	that they stayed in Tennessee.	1	BY MR. GASTEL:
2	BY MR. GASTEL:	2	Q. And chargeback data is data of
3	Q. Well, the chargeback data	3	pills sent out, right?
4	ultimately is meant to show what customer of	4	MR. ANDRISANI: Objection.
5	your customer purchased these drugs, right?	5	THE WITNESS: It's not all the
6	A. Yes.	6	pills that were sent out but there's
7	Q. And that's the whole purpose of	7	some portion of it.
8	the chargeback data is that it allows you to	8	BY MR. GASTEL:
9	track it through the supply chain so that you	9	Q. I get that. This is actually a
10	can actually get down to see where your drugs	10	lower estimate, because at the end of the day
11	are actually going, right?	11	the chargeback data doesn't capture all the
12	A. Yes. Again, I have never looked	12	pills that go out?
13	at the chargeback data or know how the table	13	A. It's a portion.
14	works or what it's what you're saying here.	14	Q. It's a portion.
15	I have never used it, I have never looked at it.	15	And in 2015 do you recall
16	Q. Sure. And let's just assume that	16	Mr. Tomkiewicz says how many suspicious orders
17	that fact is true. You as the as the senior	17	that the SOM program at Teva had flagged?
18	director of DEA compliance, would it cause you	18	A. I do not recall off the top of my
19	concern that Teva was sending 5 million pills	19	head.
20	into the state of Tennessee?	20	Q. If you recall, does four sound
21	MR. ANDRISANI: Objection.	21	about right?
22	THE WITNESS: Unless one of my	22	A. Can I look at the data?
23	SOM people told me there was a problem,	23	Q. Sure.
24	I wouldn't know.	24	A. I think it was Joe's
_	Page 467		Page 468
1	presentation. In 2015 there were four.	1	BY MR. GASTEL:
2	Q. 2014 there was one?	2	Q. And then shipped out, right?
3	A. Yes.	3	A. I don't know that all of them
4 5	Q. 2013 there was one?A. It's not on here.	4 5	shipped out. They could have been canceled in
6		6	the meantime. We may not have been able to
7	Q. 2016 there was zero? A. Yes.	7	supply. Q. But other than that, you're
8	Q. So six total suspicious orders	8	Q. But other than that, you're shipping out all of the orders, right?
9	reported to the DEA?	9	MR. ANDRISANI: Objection, form.
10	A. Yes.	10	THE WITNESS: If we were able to
11	Q. And then all other orders were	11	supply it, yes.
12	shipped out?	12	BY MR. GASTEL:
13	A. Yes.	13	Q. We talked a lot today about the
14	Q. And, in fact, we saw the slide	14	big four distributors, which include
15	from 2015 from the audit that, according to the	15	Amerisource, correct?
16	SOM process that you have in place, 95% of your	16	A. Yes.
17	controlled substances orders go out the door no	17	Q. And Cardinal?
18	questions asked, right?	18	A. Yes.
19	MR. ANDRISANI: Objection,	19	Q. Has Teva, to the best of your
20	misstates the evidence.	20	recollection, ever reported a single order from
21	THE WITNESS: According to what I	21	those customers to the DEA as suspicious?
22	remember, 95 according to what the	22	A. I don't recall.
0.0	auditor said, 95% of the orders were not	23	Q. We saw in your internal training
23	additor said, 7570 or the orders were not		Q. We saw in your internal training
23	flagged by the system.	24	documents earlier the line that said that there

	Page 469		Page 470
1	were 6.1 million Americans in 2011 that were	1	Q. Were adjustments ever done to
2	abusing controlled substances, right?	2	Amerisource's orders?
3	A. That was in the Bob Williamson	3	A. I don't recall. I don't do it,
4	presentation, yes.	4	so I don't know.
5	Q. And throughout today we've seen	5	Q. Who would you ask that question
6	that various PowerPoint presentations where you	6	to?
7	have the slide with the sales and the deaths and	7	A. Joe Tomkiewicz.
8	the hospital admissions due to addiction, right?	8	Q. Did Teva ever attempt to go back
9	A. Yes.	9	and scale down the upper control limits in its
10	Q. Did Teva ever attempt to scale	10	SOM program to account for the fact that prior
11	down the upper control limits in its SOM	11	to 2012, it had a rudimentary SOM system in
12	algorithm to account for the fact that patients	12	place, according to Mr. Buzzeo?
13	were abusing diverted opioids?	13	MR. ANDRISANI: Objection, form.
14	A. I don't know because I didn't	14	THE WITNESS: Again, that was his
15	make adjustments to upper control limits.	15	words, and he never audited the system,
16	Q. Did anybody make adjustments to	16	but I don't know if the upper control
17	upper control limits?	17	limits were adjusted.
18	A. Other people had the ability to	18	BY MR. GASTEL:
19	adjust upper control limits.	19	Q. Did you ever talk to anybody in
20	Q. Do you know if that was ever	20	sales about the need to reduce sales to account
21	done?	21	for the fact that patients were abusing diverted
22	A. Adjustments in general?	22	opioids?
23	Q. Yes.	23	A. I don't recall a conversation.
24	A. Yes.	24	Q. Do you know in what form the
1	chargeback data that Teva has is stored in?	1	A. I don't.
2	MR. ANDRISANI: Objection.	2	Q. Did, to your knowledge, anybody
3	THE WITNESS: I don't.	3	ever adjust the upper control limits in the SOM
4	BY MR. GASTEL:	4	program to account for the allegations in these
5		I -	1 1 1 1 11 00 110
_	Q. Does Teva still get chargeback	5	complaints made by these public officials?
6	data on a monthly basis?	6	MR. ANDRISANI: Objection, form.
6 7	data on a monthly basis? MR. ANDRISANI: Objection. She	6 7	MR. ANDRISANI: Objection, form. THE WITNESS: I don't know.
6 7 8	data on a monthly basis? MR. ANDRISANI: Objection. She said she doesn't handle that.	6 7 8	MR. ANDRISANI: Objection, form. THE WITNESS: I don't know. BY MR. GASTEL:
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Page 473	Page 474
1 THE VIDEOGRAPHER: We're back on	1 CERTIFICATION
the record at 7:29.	2 I, MARGARET M. REIHL, a
3 MR. GASTEL: Ms. McGinn, I'm sure	3 Registered Professional Reporter,
4 that this is going to be music to your	4 Certified Realtime Reporter, Certified
5 ears, but subject to my previous	5 Shorthand Reporter, Certified LiveNote
6 objection, that's all the questions that	6 Reporter and Notary Public, do hereby
7 I have for you right now.	7 certify that the foregoing is a true and
8 MR. ANDRISANI: We have no	8 accurate transcript of the testimony as
9 questions. Thank you.	9 taken stenographically by and before me
10 MS. ROLLINS: No questions.	at the time, place, and on the date
11 THE VIDEOGRAPHER: That concludes	11 hereinbefore set forth.
today's deposition. The time is 7:29.	12 I DO FURTHER CERTIFY that I
13 (Witness excused.)	am neither a relative nor employee nor
14	14 attorney nor counsel of any of the
15	parties to this action, and that I am
16	16 neither a relative nor employee of such
17	17 attorney or counsel, and that I am not 18 financially interested in the action.
18	18 financially interested in the action.
19	20
20	21
21	Margaret M. Reihl, RPR, CRR, CLR
22	22 CSR #XI01497 Notary Public
23	23
24	24
Page 475	Page 476
1	1 ACKNOWLEDGMENT OF DEPONENT
2 E R R A T A	2
3	3 I, COLLEEN McGINN, do hereby 4 certify that I have read the foregoing
4 PAGE LINE CHANGE	4 certify that I have read the foregoing 5 pages, and that the same is a correct
5	6 transcription of the answers given by me
6 REASON:	7 to the questions therein propounded,
7	8 except for the corrections or changes in
8 REASON:	9 form or substance, if any, noted in the 10 attached Errata Sheet.
9	11
10 REASON:	12
11	13
12 REASON:	14 COLLEEN McGINN DATE
13	15
14 REASON:	Subscribed and sworn to before me this
15	16
16 REASON:	day of, 2018.
17	My commission expires:
18 REASON:	18
19	Notary Dublic
20 REASON:	Notary Public
21	21
22 REASON:	22
23	23
44 INDADON.	24